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THE

rliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
E PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. XVIII.

COMPRISING THE PERIOD
FROM
THE FIRST DAY OF NOVEMBER
TO
THE TWENTY-EIGHTH DAY OF FEBRUARY
1811.

LONDON:
FOR LONGMAN, HURST, REES, ORME, AND BROWN; CRADOCK AND JOY;
OKER; J. BOOTH; J. RICHARDSON; BLACK, PARRY AND CO.; E. JEFFERY;
TCHARD; J. RIDGWAY; BUDD AND CALKIN; J. RODWELL; R. H. EVANS;
AND
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1812.

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1811.

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Earl Camden	Lord President of the Council.
Lord Eldon	Lord High Chancellor.
Earl of Westmorland	Lord Privy Seal.
Earl Bathurst	President of the Board of Trade.
Right Hon. Spencer Perceval	First Lord of the Treasury (Prime Minister) Chancellor and Under-Treasurer of the Exchequer, also Chancellor of the Duchy of Lancaster.
Right Hon. Charles Philip Yorke	First Lord of the Admiralty.
Lord Mulgrave	Master-General of the Ordnance.
Right Hon. Richard Ryder	Secretary of State for the Home Department.
Marquis Wellesley	Secretary of State for Foreign Affairs.
Earl of Liverpool	Secretary of State for the Department of War and the Colonies.

NOT OF THE CABINET.

Right Hon. Robert Saunders Dundas (now Lord Melville)	President of the Board of Controul for the Affairs of India.
Right Hon. George Rose	Vice-President of the Board of Trade, and Treasurer of the Navy.
Viscount Palmerston	Secretary at War.
Lord Charles Somerset	Joint Paymaster-General of the Forces.
Right Hon. Charles Long	
Earl of Chichester	Joint Postmaster-General.
Earl of Sandwich	
Richard Wharton, esq.	Secretaries to the Treasury.
Charles Arbuthnot, esq.	
Sir William Grant	Master of the Rolls.
Sir Vicary Gibbs	Attorney-General.
Sir Thomas Plomer	Solicitor-General.

PERSONS IN THE MINISTRY OF IRELAND.

Duke of Richmond	Lord Lieutenant.
Lord Manners	Lord High Chancellor.
Right Hon. W. Wellesley Pole	Chief Secretary, and Chancellor of the Exchequer.

THE

Parliamentary Debates

During the Fifth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Twenty-first, appointed to meet at Westminster, the First Day of November, 1810, in the Fifty-first Year of the Reign of His Majesty King GEORGE the Third. [*Sess.* 1810/11.

HOUSE OF LORDS.

Thursday, November 1, 1810.

[The King's Illness.] This day the two Houses of Parliament met, in consequence of the King's inability to sign a commission for a further prorogation. In the House of Lords

The *Lord Chancellor* rose and addressed their lordships as follows:—My lords; your lordships are now assembled without any notice having been given that parliament was to meet for the dispatch of business, and after a notification had been published directing that this parliament should be prorogued to the 29th of this month, and authorizing the chancellor to issue a commission under the great seal, for such prorogation. My lords, I have to state to your lordships, and I do it with the greatest concern and regret, that in consequence of his Majesty's personal indisposition, that commission has not received his Majesty's signature. There may be a question whether the chancellor is authorized to put the great seal to such a commission, without the King's sign manual, and whether such commission would be legal; but upon this question, looking to the precedents in our proceedings, and to the records of parliament, I do not think it proper to enter into any discussion. Under the circumstances of his Majesty's indisposition, I have thought it my duty to abstain from proffering the commission to his Majesty for his royal signature. It is, therefore, for your lordships, in your wisdom, to determine what course of proceeding it will be expedient to adopt. It remains for me to state, that the indisposition of his Majesty has arisen from the pressure of domestic affliction operating upon his paternal feelings, and I have the satisfaction to add, that a confident expectation is entertained of his Majesty's speedy recovery.

The Earl of *Liverpool.* My lords, under the afflicting circumstances stated by my noble and learned friend, circumstances which have arisen entirely from the domestic cause to which my noble and learned friend has alluded, I think it my duty to move an adjournment for the shortest period, within which, by law, the parliament can be summoned to meet for the dispatch of business. It is my intention, therefore, to move, in conformity with a precedent before us, that this House do adjourn till Thursday, the 15th instant; that the House be summoned for that day; and that letters be sent to the lords, informing them that their attendance on that day is required. It would not be proper for me to enter into any discussion, whether any, and if any, what proceeding it may be expedient to adopt on that day, should his Majesty's indisposition unfortunately continue; but it is highly requisite, whatever course it may be deemed advisable to adopt, or, although no proceeding may be then requisite, to take the necessary steps to ensure as full an attendance as possible. I have great satisfaction in adding to what has been stated by my noble and learned friend, that the physicians attending his Majesty entertain the most confident hopes of his Majesty's speedy recovery. His lordship concluded by moving an adjournment.

Lord *Holland.* I trust, my lords, under the melancholy circumstances in which we are assembled, it will not be supposed that in rising upon this question, I intend to offer any opposition to the motion of the noble lord, neither do I wish to make any remark that can lead to discussion. I cheerfully acquiesce in the motion, founded as it is upon a precedent within recollection. Were that precedent to be made over again, I should rather prefer a proceeding *de die in diem,* but the motion of the noble lord being founded upon the precedent, and being aware of the importance of unanimity upon such an occasion, I cheerfully acquiesce in the proposition for adjournment.

The motions of the earl of Liverpool were then put by the Lord Chancellor, "That this House do at its rising adjourn till Thursday the 15th day of this instant November; That the lords be summoned to attend the service of this House on Thursday the 15th instant; That the lord chancellor do write letters to all the lords, informing them that their attendance is required on Thursday the 15th day of this instant November." Which were severally agreed to. The lord chancellor then put the question on the motion of the earl of Liverpool, That this House do now adjourn; which was also agreed to.

HOUSE OF COMMONS.

Thursday, November 1.

[KING'S ILLNESS.] The House met this day at half past three o'clock. About one hundred members were present.

The *Speaker* took his seat at the table and addressed the House as follows:—Gentlemen; The House is now met, this being the last day to which parliament was prorogued, but I am informed, that notwithstanding his Majesty's proclamation upon the subject of a farther prorogation, no message is to be expected from his Majesty's commissioners upon that subject, no commission for prorogation being made out. Under such circumstances I feel it my duty to take the chair, in order that the House may be able to adjourn itself, and I take the chair accordingly. (Here was a general cry of chair, chair!)—The Speaker having taken the chair, stated that he had ordered a new writ to be made out for a burgess to serve in parliament, for the borough of Northampton, in the room of George Bouverie, esq. deceased.

The *Chancellor of the Exchequer* then rose and said:—Mr. Speaker, I am persuaded that it is wholly unnecessary for me to state, that this House is now assembled upon the day to which it was last prorogued, and that a proclamation has been notified in the Gazette, intimating the pleasure of his Majesty, that parliament should from this day be still further prorogued; the House must therefore be naturally anxious to ascertain how it has happened that his Majesty's servants have not executed his commands, and why on this day they were not prepared with that commission which his proclamation notified. It is now my duty, and a painful duty it is, to communicate to this House, that it is owing to the indisposition of his Majesty that this occurrence has taken place. It is owing to the severity of that indisposition that the lord Chancellor, whose immediate duty it is, has not been able to procure to that commission the signature of his Majesty. I presume it is unnecessary for me to state to this House, that it would not be becoming in his lordship to affix to such a document the great seal, without the sanction of the royal signature. Perhaps the House will excuse me, in making one or two observations on the subject of his Majesty's regretted indisposition. It will not be imputed, I think, to me, that I would unnecessarily increase and aggravate the public anxiety, which is so universally felt on that event. Indeed, I should altogether refrain from the topic, did I not feel that the communication I am about to make is truly consolatory; for, if any thing could more sensibly increase those feelings of affection and diminish those of affliction, which are at this moment felt by his people for their Sovereign, it is the knowledge that his disorder has originated from his constant unremitting anxiety and attention during the painful and protracted sufferings of a dearly beloved child. This being the cause of his Majesty's complaint, it affords strong satisfactory and additional reasons for hoping a speedy recovery. I have further the sincere happiness of being able to state, that the symptoms of his disorder are peculiarly mild; and that the physicians, who attend his Majesty, express a most confident hope of his speedy restoration. It would be unbecoming both the duty I owe this House, and inconsistent with my own feelings, not to have afforded that communication before I adverted to that which is at this moment the practical question for our consideration. That question barely is, what the House, now assembled, should under such circumstances adopt. You, Mr. Speaker, have, in my apprehension intimated the proper course we ought to pursue. There can, as it strikes me, be no discussion upon any other subject but the adjournment, and the interval of that adjournment. But setting aside the question, whether the House is competent or incompetent to entertain any other than that of adjournment, surely when we take into our consideration the circumstances under which this day we are assembled, no intimation from the Sovereign expressive of his desire that we should meet, but on the contrary, the most authoritative expression of his will that such meeting from this day should be further prorogued, there can be no doubt that any other course than adjournment would be highly inconsistent. Then the next point, is, to what period that adjournment should extend, so as to afford that notice and preparation which is best calculated to obtain a full attendance—such a degree of attendance as would produce a true parliamentary opinion as to any ulterior measure, whether of a farther adjournment or not. For this object I think the least time should be fifteen days. Indeed we have a parliamentary enactment that may operate as a guide; I mean that which empowers his Majesty upon any unexpected emergency, to convene his parliament in fourteen days. In modern times there has also been a case which might indeed be judged a precedent, and to be only analogous, where a similar motion was proposed and universally acceded to. A motion to that purport it is my intention to make before I sit down. I apprehend there is only another consideration springing from that motion, immediately incident to that proceeding which goes directly to further its object. I allude to the necessary means of procuring that very full attendance which, under such circumstances is most desirable. I conceive that the best means are a call of the House on this day fortnight, and that in the intermediate time a circular letter be written by you, Sir, requesting the attendance of members. I have only to conclude with moving, that this House do at its rising, adjourn to this day fortnight, that on that day there should be a call of the House; and that in the interim the Speaker be requested to write a circular letter to all Sheriffs of counties, Stewards of towns and boroughs, to acquaint their representatives thereof.

Mr. *Sheridan* said; Mr. Speaker, fully concurring in the propriety of every sentiment expressed by the Chancellor of the Exchequer, and feeling, as I do, highly gratified, as I am confident every man who has heard him must, in the sanguine hopes he entertains of the speedy recovery of our gracious Sovereign, I only rise for the purpose of seconding his motion.—The motions were then put and agreed to; after which the House adjourned to Thursday the 15th instant.

HOUSE OF LORDS.

Thursday, November 15.

The House again met this day, and was numerously attended about half past four o'clock.—Lords Maynard and Thurlow took the oaths and their seats.

The *Lord Chancellor* acquainted the House, that in obedience to their lordships order he had addressed a circular letter to the members of that House, requesting their attendance on this day, to which letter he had received answers from several noble lords, stating the reasons which would prevent their attendance, such as ill health, and business of an urgent nature. Among these noble lords, were the earl of Clarendon, the earl of Carlisle, &c. A pause of some length then ensued, occasioned by the absence of lords Grey and Grenville, who had not yet appeared. They soon after however came into the House, when the public business was immediately proceeded on.

[KING'S ILLNESS.] The *Lord Chancellor* left the woolsack and entered upon the communication which was expected by the House.—He began by observing that as the House was now so much more numerously attended than on the day of their first meeting, he thought it would be proper to repeat to their lordships what he had stated on that occasion. Their lordships had then met contrary to expectation, as it was generally known that an order of council had been made out for the further prorogation of parliament, from the 1st to the 29th of Nov. From that order it appeared, that it was his Majesty's will and pleasure that parliament should be further prorogued to the 29th instant, and his Majesty had accordingly issued his royal order that a commission should be made out to that effect. That commission he had ordered to be prepared, and it was prepared in consequence. The melancholy occurrence of his Majesty's illness intervened, and prevented, as he had, on the former occasion, stated, the obtaining for it the authority of the sign manual. Under these circumstances, which made it impossible for him to tender the commission for the royal signature, he conceived it to be his duty not to affix the great seal to the commission. In this he acted to the best of his judgment; but whether he had acted right or wrong in the course he felt himself bound to pursue, it was not for him to say—that he must leave to the wisdom of their lordships to determine. He had also on that occasion the painful task of communicating to their lordships the unfortunate circumstances which precluded the possibility of obtaining the sign manual, together with the opinions of the physicians who had been called in to attend to his Majesty's disorder. These opinions in that instance were, that the indisposition with which it had pleased Providence to visit his Majesty, was created by the pressure of domestical affliction, which had so long weighed on his Majesty's spirits and paternal feelings; but that the symptoms were considered peculiarly mild, and the most confident hopes were entertained by the physicians of his Majesty's recovery. On these grounds it was, that an adjournment for a fortnight, the shortest period within which by existing laws, parliament could be called together, was proposed and assented to. He had now a farther statement to make on the same head, and in being able to make it, he felt the utmost satisfaction—a satisfaction in which, he was persuaded all their lordships would most cordially participate. The hopes which had first been entertained, and expressed by the physicians attending his Majesty, had since the period when he first had the honour of addressing the House on this painful subject, been strengthened and confirmed in a great degree. Two more physicians have been added to those previously in attendance, since that time, and they were now all unanimous in the opinion that his Majesty's health continued in a progressive state of improvement, and entertained still more confident hopes of his Majesty's happy recovery. When that may exactly take place, they, however, could not take upon themselves to say. Such a declaration on their part, would be wholly incompatible with that uncertainty which they must be sensible attached, and attached of necessity, to all prognostics in medical cases. He used the precise language held by the physicians, that each noble lord might form his own opinion respecting the grounds upon which they made their declaration. Nor did they state this opinion upon a general view of the case, but with strict reference to his Majesty's age, and to the former visitations he had undergone of a similar complaint; and in this opinion again they were all unanimous. It was also to be observed, an observation which must likewise prove satisfactory to their lordships, that one of the physicians who had attended his Majesty on a former occasion, and who had come into attendance since their lordships first met, had declared that he now discovers the recurrence of the leading symptoms which on the former occasion convinced him of the approach of his Majesty's recovery. These surely were strong and most legitimate grounds on which to build a confident hope of his Majesty's approaching complete recovery. Such was the conviction of his mind; and much as he felt of affection, gratitude, and attachment to his Majesty's royal person, yet that conviction was not in the least warped or influenced by these emotions. It was as much acknowledged by his judgment, as it was prescribed by his duty. Under such impressions, and with the cheering prospect held out by such hopes as the unanimous favourable opinion of the physicians was calculated to inspire, he was at a loss to see what other measure should now be proposed but a further adjournment. The same motives and reasons which induced their lordships to adopt that measure on their first meeting now doubly authorised them to persevere in it. He should therefore move, That the House do now adjourn for fourteen days.

The Earl of *Moira* entirely coincided in the sentiments expressed by the noble and learned lord on the woolsack. After the cheering prospect held out by that noble and learned lord of his Majesty's speedy recovery, he conceived that it could be no other than the unanimous wish of their lordships, a wish growing out of their known affection, attachment, and respect to his Majesty, that a further time should be allowed for the expected realization of these flattering hopes. No doubt their lordships were placed between two very embarrassing duties; what they owed to their king, and what they owed to their country. He hoped the public service would receive no detriment from the proposed delay, and in that supposition he was convinced their lordships were prepared to shew every mark of due affection and respectful devotion to his Majesty, and to look with anxious prayer and confident expectation to that speedy recovery of which such promising symptoms had been so solemnly declared to have appeared, the motion should therefore have his most hearty assent, and he trusted, that under all the circumstances of the case, it would meet with the unanimous assent of their lordships.

Lord *Grenville* said, that he did not rise to interrupt that unanimity, which his noble friend considered so desirable, on the contrary he perfectly concurred in what had fallen from the noble earl respecting the comparison of inconveniences. There was, indeed, nothing before them but a choice of embarrassments: that was his opinion when he heard the first tidings of this melancholy and afflicting event. He would not dwell on that occasion, upon this painful topic; not because he did not feel upon it most deeply, but because he knew that there was nothing that he could say that could add to the feelings of other noble lords. The noble and learned lord on the woolsack, however, he must observe, had hardly done himself justice, in intimating the possibility of a doubt being entertained as to the propriety of his own conduct. He was convinced of the purity of that noble and learned lord's motives, and of the rectitude of his conduct on this trying occasion and in that particular point. No man, understanding the principles and practice of the constitution, and the proper uses of the powers of its respective branches, or with a just regard to truth and justice, could advise the affixing of the great seal of the kingdom to an instrument which purported to bear the royal signature, by any individual during the present situation of the Sovereign. He should not have said this, had not something fallen from the noble and learned lord himself, which seemed to put the matter in doubt. The two Houses of Parliament had, he conceived, done perfectly right on their meeting, on the 1st instant, in instructing their Speakers to write to the respective members, requiriug their attendance that day. Now, then, parliament was assembled for the first time this session to deliberate on what measures it might be their duty to adopt. There was nothing he so much wished as to avoid even the shade of difference on this question, or any expression that might add to the existing difficulty or tend to provoke any protracted debate. He confessed, he thought it to be at present his public duty to yield his other opinions to the desired unanimity. He thought it a favourable circumstance, that there did exist on the journals a precedent of a mode of proceeding under similar circumstances. It was with the deepest regret therefore that he had to notice the slightest deviation from those forms; and more particularly in those points, which, upon the former occasion, were not made matters of discussion, but were agreed upon unanimously. There was no mode, as he thought, of procuring unanimity, so likely to be effectual as that of resorting to those forms of proceedings, which were so successfully and properly adopted in the former instance. With the cheering hopes held out to the House, (not indeed by any evidence or written documents,) but collected from the speech of the noble and learned lord, of the speedy deliverance and recovery of the Sovereign, he was ready to agree to the adjournment proposed. There was, however, on this occasion a great duty for their lordships to discharge,—a duty which they owed to his Majesty and to the people. But he would rather err, on the side of forbearance and delay, than on that of precipitation. That wholesome principle had formerly regulated the conduct of parliament. It was then thought best to make successive short adjournments, according to the circumstances of the case and the progress of recovery, as that course gave to parliament, then become, as it was now, the guardian of the King's person and rights, the power of meeting successively all the exigencies that might arise. On that ground he should now have preferred a shorter adjournment, followed up by adjournments from time to time as the symptoms of amendment continued to appear. But, far be it from him, to interrupt unanimity or provoke debate.

There was a circumstance, notwithstanding, in the course now proposed, which, he must notice, as there was in it a material deviation from the former proceedings. It was now proposed to adjourn a fortnight, on the ground solely of the notification of the noble and learned lord in his speech. He had for that noble lord all the respect that was due to him, and for the high and exalted situation which he filled, all the respect which that situation demanded; but their lordships ought not, he contended, upon a subject of such importance, to be satisfied with the assertion of any subject of the realm; they ought to have the proof before them, of the existence of the necessity under which they were called upon to act. He agreed that the few persons who were assembled in both Houses, on the first of this month, and with the partial notices which had then been circulated, could do no otherwise than adjourn (with the view of obtaining a full attendance) without acting in violation of every principle and form of the constitution, and usurping a power, for which they would have been highly criminal. Now, however, when their lordships were fully assembled in consequence of circular notices sent to each of the members of the House, he contended, they could not, consistently with the principles of the constitution, proceed to an adjournment, without recording the fact of the necessity in consequence of which they acted, although not legally opened as a parliament. In 1788, when in consequence of the melancholy event of the King's indisposition, the estates of the realm assembled on the day on which the prorogation expried, they adjourned for fourteen days with the view of procuring a full attendance. When they met again, the facts relative to his Majesty's indisposition, were laid before them as ascertained by an examination before the privy council of the physicians attending his Majesty. They then adjourned only for two or three days, or, in fact, the adjournment only extended over one sitting day of the House; and they then proceeded by a committee of their own body to ascertain the facts which constituted the necessity under which they were assembled. He well remembered the day, one of the happiest of days, when the noble and learned lord who then sat on the woolsack, came down to that House to state the satisfactory intelligence of the improvement of the health of his Sovereign; but when the House thereon adjourned but for a short time, they were constitutionally assembled in parliament with a legal power. They were not however so assembled at present. In the crown solely was vested the power of assembling the parliament; and except in a case of great and manifest necessity, if parliament assembled otherwise, it would commit a breach of fundamental law. The two Houses of Parliament were now however met under a melancholy necessity, which rendered it impossible to obtain the royal signature to a commission either further to prorogue their sittings or give a constitutional sanction to the proceeding with public business. He would ask their lordships, with reference to their future proceedings, how the power could arise for the continuance of their sittings? Their adjournment was a continuance of their sittings. This could only be done by putting upon their journals the grounds distinctly upon which they continued their sittings without the royal sanction and superseded the privileges and prerogatives of the crown. In other respects, it would be a breach of law to continue their sittings merely by their own authority. If, then, this can be done only on the necessity of the case, he would ask how that necessity was established? Such important transactions as these must be governed by a strict reference to the established principles of the government. This fact, of necessity, must be solidly proved and established on the Journals of the House. How stood the case? It stood thus: that the melancholy fact of the suspension of the royal power was established only by the assertion of an individual, the noble and learned lord. The statement of any noble lord, however high in office, was not the best evidence that could be procured; and the best evidence should be given on such a subject. There was better evidence he must contend, to be got in this case, without meaning any kind of reflection upon the noble and learned lord's statement.

This led to another important consideration. If the power to adjourn arose from the royal indisposition, the act of adjournment proclaimed the fact of that indisposition: and then this fact would appear to have been taken from the statement of a single individual, who, no more than any of his Majesty's subjects, had any right whatever so to pronounce. He trusted, therefore, that this adjournment would be considered in the same light as the short adjournment was in a former case. When the statement he had alluded to was made on that occasion, only 2 or 3 days were allowed to noble lords to make up their minds on that important question. He trusted, therefore, that the present longer adjournment would not be considered as establishing the fact, or as giving their lordships opinion, upon an individual declaration to incapacitate the Sovereign. Anxious however for unanimity, he should vote for the motion with these distinct views; as otherwise he should overturn the principles on which the House had formerly acted. The king's ministers undoubtedly could alone pronounce on the state of the country, and whether the circumstances in which it was placed were or were not such as required the immediate attendance of parliament. In proposing this adjournment they took upon themselves a heavy responsibility, which, he doubted not, they felt themselves prepared to justify to their own minds and to their country. He should now only offer up prayers to Almighty God, that this may be the last occasion for any similar adjournment, and that such circumstances may providentially arise, as would restore to his Majesty the exercise of the kingly power, and to parliament the regular use of its ordinary functions, instead of their assembling as a convention of the states of the realm. If, however, the latter of these alternatives should unhappily take place, he was prepared to say, that they must then lay down for their regulation the principles which he had stated, and act upon those precedents which had been already laid down. In the mean time, he for one should give his assent to the present motion.

Earl *Stanhope* declared, that all he wished was that the House should lay down the constitutional grounds of its present proceedings. And first he would put a question to their lordships, and ask them by what authority they were here? He did not wish or intend to usurp any authority not given by the constitution, and therefore he thought that regular and constitutional grounds ought to be laid down why the two Houses met at all. It was true, they had been invited here by the circular letter of the noble and learned lord who occupied the woolsack; but, as was most correctly stated by his noble relative, the parliament was not met. True, the estates of the realm were met; but how could parliament be assembled, but either by the royal authority, or by a necessity superior to all law? In his opinion therefore, what ought to have been done first, was to authenticate and regularly bring before the House that fact which established the necessity for the present meeting. If he at all consented to the present motion for adjournment it should not be for the sake of unanimity alone; but for this reason, that from the very short notice of the former meeting, and from the shortness of the time that has since elapsed, a number of peers and members of parliament from Scotland and Ireland may not have been able to come up from the distant parts of the country, and therefore would probably wish for some further postponement; but principally because he thought that they had no right to meet at all.

The Duke of *Norfolk* expressed his strong concurrence in the propriety of the motion now before the House, and the satisfaction which he felt in learning that confident hopes were entertained of his Majesty's speedy recovery.

The *Lord Chancellor* observed, that before he proceeded to put the question to a vote, he was anxious to say a few words in answer to the observations that had fallen from the noble baron, (lord Grenville) And first on the subject of responsibility under which he acted, in the high office which he had the honour to fill, he was not afraid to use the language he had done, when he recollected that parliament had been opened without the sign-manual of his Majesty, and that by a chancellor of great name. That being the case, he had thought it his duty to the House to submit whether he had done right or wrong in acting as he had done on the present occasion; though he himself certainly entertained no doubts on the subject. Unquestionably under all the circumstances, it was impossible for him with the sense he entertained of his public duty, to think of affixing the sign-manual to the commission for proroguing parliament. With regard to the proceedings in 1788, it would be recollected that parliament did at that period adjourn for the first fortnight, on the ground of the necessity of the occasion; and there are circumstances in that case which could not be altogether followed in the present. On that occasion his Majesty had appeared indisposed on the 22d of October, and parliament had been summoned for the dispatch of business on the 20th of November. It met on that day accordingly; when it was proposed that it should adjourn for a fortnight, there being no commission or speech from the throne to open the cause and business of the session. That proposition was acceded to, and parliament accordingly did not adjourn from day to day, till it was regularly opened. The great difference between the two periods was this, that in the former they would find it expressly stated, that parliament was then to proceed to the dispatch of business, while there had been no such notification in the present instance. He totally disclaimed his ever having entertained the idea that his personal statement in that House could be considered in the light of a parliamentary document. Under all the circumstances, he thought that the course which he had proposed to the House was constitutional in its nature, while at the same time it was most respectful to his Majesty.

Lord *Grenville* expressed his satisfaction at the declaration which he had drawn from the noble and learned lord, namely, that without the actual sanction of his Majesty he should have thought it altogegether inconsistent with law to have affixed his Majesty's sign manual to the commission. With regard to the question of adjournment, he thought that the present measure deviated in several respects from the precedent of 1788, and in all of them was wrong. When at that period the calamity with which his Majesty was afflicted first became known to the great man then at the head of affairs, his first care was, that none of the proceedings upon it should appear indirect or secret. He took care, that the knowledge of it should not be confined to himself or his friends, but that all the members of the privy council, of whatever party, should be summoned to attend it. When Mr. Pitt next proceeded to make his statement in the lower House, on the day of their meeting, he did not conceive that this statement would warrant any proceeding whatever, but that of assembling the two Houses as fully as possible. After an adjournment of a fortnight, the two Houses again met on the 4th of December, and it was from that moment that their proceedings might be considered as commencing. The ministers of that day, however, had previously assembled the King's privy council, not by a partial summons, but by inviting all who had ever been called to his Majesty's councils during the course of a long reign; they met accordingly, and entered into an examination of the medical attendants of his Majesty, the result of which was laid before the states of the realm. A question was then put, whether this statement was sufficient to shew that the royal authority was suspended, and that parliament must have recourse to such measures as was dictated by necessity; but it was unanimously decided, that sufficient ground had not been laid, and that an additional enquiry should be instituted by the two Houses, as the foundation of their further proceedings. He intreated the House to look back to and examine all the proceedings which then took place, and trusted that though in some respects they seemed to have been overlooked on the present occasion, yet if future events should unhappily render a further recurrence to the course then pursued necessary, they would then have all the force of well-weighed precedents.

The Earl of *Liverpool* said that he was in no respect desirous of prolonging the present conversation; but he could not allow the question to be put, without stating a few observations in answer to what had fallen from the noble baron, who had just sat down. He was perfectly confident that he could defend, and justify the conduct of ministers on the present melancholy occasion, in reference to all those points which had formed the prominent features in the speech of the noble baron. When attention was said to the peculiarity of the crisis—when it was recollected at what period, and under what circumstances the two Houses of Parliament were convened, it would be clearly seen how impossible it was for ministers to have extended in the first instance the circulation of notices, for the purpose of procuring on that occasion a fuller attendance of the members of both Houses. In the year 1788 the two Houses met on the day, to which they were prorogued, and for which they had been summoned to assemble for the dispatch of public business, by the last notification of the royal pleasure and authority. They then immediately adjourned for one fortnight, as an act of decorum and respect—as an example of that moderation and propriety, which he trusted would at all times characterise their proceedings. The recovery of his Majesty from that affliction which all men joined in deploring, was not at that moment, an object of such confident expectation, as he was happy to pronounce it on this occasion. No deviation had taken place from the course pointed out in the former precedent, that exhibited any departure from its principle, or originated in any thing but the distinguishing circumstances of the two cases. On the contrary, he was prepared to approve of all the proceedings of that period, and to look upon them as the best and surest guide for parliament on every subsequent recurrence of a similar calamitous suspension of the royal functions. He agreed, therefore, most heartily with the noble baron (lord Grenville) as to the obligation by which the two estates of the realm, assembled without the presence of the Sovereign, in person, or by his commissioners, were bound, before they should proceed to the transaction of public business, or to discharge the functions of parliament in any way, to ascertain by indisputable evidence, the real state of the King's health, and the extent of his actual incapacity to perform the duties of his high office. For this purpose his Majesty's physicians should be examined at their bar, according to the precedent of 1788; but in adhering to that precedent, it was incumbent on them, previously to establish the necessity of such a proceeding—a necessity, which he could not bring his mind to believe, was of a less imperative nature, than the necessity described by the noble baron. The circular notices, which the noble baron contended had not been sent generally, and indiscriminately to the members of all parties, were circulated as widely, as the recent occurrence of the melancholy event, which occasioned their meeting, would permit. It was not fully known to his Majesty's ministers, that the sign manual could not be affixed to the commission for the further prorogation of parliament until it was actually too late to extend the notices beyond a limited distance from the metropolis. Neither could he conceive the utility of a full attendance, nor any object of importance that could have been attained by a more numerous assemblage of members, on the day from which they had last adjourned. His Majesty had, at that time been afflicted but for a short period, with the malady in its full severity, and it would have been impossible, even had the meeting of their lordships been then as numerous, as it was at the present day, to have adopted any step, but that of adjourning over for a definite period. This was a step prescribed, as well by the great precedent of 1788, as by a just feeling of respect for his Majesty, and a due regard to the constitutional character of their own proceedings. No difference of opinion whatever, had existed on this point, or could possibly have existed, had the attendance been more general than it was. The question for the House now to consider was, whether on a comparison of the circumstances attending the motion that had been made by his noble and learned friend (Eldon) with those circumstances that distinguished the period of 1788, when after a fortnight's adjournment, the two Houses assembled on the 4th December, that motion was not clearly and fully supported by the obvious difference which the two cases upon any impartial consideration of them exhibited. The principal ground of the adjournment in the former case had been the hopes entertained of his Majesty's speedy recovery, a ground similar to that on which they had recently adjourned, and one that was now in a peculiar manner applicable to their proceedings, when the grateful intelligence of his Majesty's rapid convalescence, and the symptoms of his returning health, were taken into consideration.

Earl *Grey*. My lords, notwithstanding my original intention not to take any part in this debate, to express no opinion on the policy and grounds of the motion which it has been thought fit to submit to your consideration, and on which so much unanimity appears to prevail, I am induced to rise and signify my entire concurrence in the sentiments so fully and ably delivered by my noble friend, (lord Grenville), sentiments at all times of importance in a constitutional point of view, but which derive new weight and interest under the existing circumstances of the country.—The two estates of the realm can have no legitimate existence, no ability to legislate, no authority to act when unaccompanied at their assembling by the crown or its appointed representatives. Such is the doctrine of the constitution, by which the royal functions are inseparably connected with the powers and authorities of the two Houses of Parliament—a connection essential to the constitution, and to the support of the government of these realms. The noble lord who spoke last, has thought proper to give us some information on the proceedings of 1788. My lords, those proceedings were of a nature formed to make a deep and lasting impression on the minds of all those who participated more immediately in the responsibility incurred on that occasion, and of all those likewise who took any share in the discussion to which they gave rise. I was then in parliament a member of the other House, and attended with an anxious interest and unremitting diligence to the course and progress of those discussions. To many of the noble lords who now hear me, the retentive memory and accurate knowledge of the noble lord are equally superfluous. They require not to be furnished with information, of which their minds are already in possession, and which no length of time can obliterate or efface. They cannot forget, any more than myself, these memorable events, and must be conscious of too minute an acquaintance with their causes and effects to need the aid of the noble lord's superior powers of recollection. Desirous as I am of not interrupting unanimity on this occasion, I shall forbear to oppose the motion before the House. I cannot, however, omit to make a few remarks on the speech which we have just heard, and which appears to me to contain matter of the most serious import, and to involve principles of a very pernicious tendency. The noble lord denies that any material deviation has taken place from the line prescribed by the precedent of 1788, and adds that it was his peculiar wish to see assimilated as nearly as the difference in the circumstances of the two cases might admit, the conduct to be adopted at the latter to that adopted at the former period. My lords, after the lapse of so many years, after the extinction of those animosities and dissensions which prevailed at the time alluded to, now that the differences which then subsisted are no more, I am ready to declare that all the preliminary steps taken in consequence of an event of the same melancholy nature, as that which we now lament with feelings that are universal, were wise and prudent, conformable to the dictates of a sound and well-exercised discretion. But I will not go along with the noble lord in bestowing my cordial approbation upon the whole of that proceeding, on the policy and views by which it was directed. The noble lord has greatly erred in stating (and as if for the purpose of stating more precisely) the real grounds on which the two Houses did at their meeting in Nov. 1788, agree to a fortnight's adjournment. The expediency of procuring a more general attendance was the alleged reason for proposing that measure, an expediency which was acknowledged on all sides of the House and by all descriptions of men. The adjournment was carried and consequently a call of the House took place. Such were the broad lines of distinction between the conduct of the government of that day, and the government of the present. By what rule the circulation of notices was guided or limited, I have not been able to learn, but from some particular instances that come to my knowledge, I cannot give ministers any credit for their selection.

My lords, adverting again to the observation of my noble friend (lord Grenville) in the early part of the debate, I certainly think that had ministers affixed the great seal, under the circumstances of the suspension of the functions of the executive power, or if they had ventured to do any act which by the constitution can only flow from the exercise of the royal functions, they would have merited the strongest reprehension of every reflecting man, and that the indignation of the country at large would have been most justly excited. Now indeed that we are assembled, and in considerable numbers, I cannot but entertain very serious doubts of the propriety of so long an adjournment as that which has been proposed. Already above a month has passed and the duties of the kingly office have not been performed. Is not this, my lords, in times like the present, a matter deserving of grave consideration? Should the ardent prayers, which in common with all classes of his Majesty's subjects, I devoutly offer to Almighty God, for his Majesty's restoration to health, be heard, have we that prospect of a full and entire recovery which we entertained in 1788? At this period it is unquestionably desirable that all the energies of the royal mind should be awakened. I am sure no man can feel more sensibly than myself the distressing calamity that has befallen his Majesty, or can send up more eager wishes for its removal. But at the same time, I trust that your lordships will not shut your eyes to the calculations of probability, and to the actual condition of the country. Let the House reflect well on the state in which the empire is placed. The time is come when all personal objects must be sacrificed. All party contentions cease. The functions of the royal power are sacred, and the duties of parliament equally so. It must now become the great end of our exertions and deliberations to preserve in full vigour both the one and the other, and to submit every minor care to the important purposes of preserving the integrity of the constitution, and of establishing the permanent essential interests of the country.

Viscount *Sidmouth* feelingly deplored the calamity which had befallen the country, in the present unfortunate indisposition with which the Sovereign was afflicted —a calamity which, he conceived, was the more unfortunate in reference to the present circumstances in which the nation was placed. In the greatest part of what had fallen from his noble friend (lord Grenville), touching the precedent of 1788, he agreed. He conceived the apprehension of his noble friends to be—that the wholesome parts of that precedent would not be attended to. He followed the noble baron in some of his detached statements of the proceedings of that period, and expressed his opinion that the House was now in a similar situation to that, in which it was at its meeting on the 27th of Nov. 1788. In his view of the circumstances, he thought the meeting of this day fortnight may be regarded as a *dies non.*—With respect to the adjournment at the former period, he perfectly recollected that it proceeded on the hope, that in the interval a favourable change might take place: and the adjournment took place on that occasion without the fact of the King's indisposition being placed upon the Journals. With respect to what further proceedings it might be necessary to adopt, the case was different. They could not proceed without evidence, fully establishing the fact of the necessity, and the extent to which ulterior measures, if necessary, should be carried, must be controlled by the nature of the evidence. He thought it incumbent upon him to state his opinion, that on the present occasion he did not think the conduct of ministers was a deviation from the principle of the precedent of 1788. Before the next meeting he hoped they might indulge the hope that some important change may take place, and place circumstances in the train the most wished for and desired by the country at large.

The question was again put, and the House, *nem. dis.* adjourned, until Thursday, the 29th inst.

HOUSE OF COMMONS.

Thursday, November 15.

Several new members were sworn. A new writ was ordered for the Borough of Amersham, in the room of Thomas Tyrwhitt Drake Tyrwhitt, esq. deceased.

[KING'S ILLNESS.] The *Chancellor of the Exchequer* rose and addressed the Speaker to the following effect;—"Sir—The House of Commons having again assembled without any formal notification of his Majesty's pleasure that they should do so, I feel it a duty incumbent on me to offer myself to their notice; conceiving that the House must necessarily be anxious to hear what his Majesty's servants have to state on the subject which has occasioned our peculiar situation, and conceiving also that they must be desirous to understand what is the view which his Majesty's servants take of that situation, and what are the measures which they mean to propose in consequence. After having stated, therefore, the ground for such a proposition, I shall humbly submit to the House the propriety at their rising, of adjourning to the 29th instant. In the first place, Sir, I must observe, that when I had last the honour of addressing you, I should have been very much disposed to propose the adjournment to the 29th, instead of to the present day, had I thought we had assembled in such numbers and under such circumstances as would have justified us in taking into consideration at that time a question of such magnitude and importance; but, with the assemblage that then took place, I thought it incumbent on me to propose no other step than that by which the fullest attendance of members might be insured at the earliest possible day. No man can doubt, that the indisposition of his Majesty having prevented him from giving to his servants his royal consent for the further prorogation of parliament, it became our constitutional duty, and that of the other House of Parliament, to consider what ought to be done. But not only was it our duty to consider what ought to be done, but also at what period that which was to be done was to commence, and on what ground or information we would proceed to do any thing. The House having assembled on the 1st inst. not only without notification, but contrary to notification, by proclamation in the gazette, I did not conceive that we were placed in a situation in which it would be proper for us to enter into a consideration of any public question of importance, and I therefore with their unanimous concurrence, proposed an adjournment to the present day. It is not necessary for me, Sir, to go at any length into the circumstances which at that period induced me at one time to contemplate the propriety of proposing a longer adjournment. There were many advantages which the House might have derived from the occurrence of events, that might have occurred between the 1st and the 29th instant. There was also this strong fact, that except as the circumstances of the government were altered by his Majesty's indisposition, there was no public reason for requiring the meeting of parliament earlier than that period. But, Sir, if that was the view, which the House might have then taken of the subject, I have the satisfaction to address you now, under circumstances, in which, if doubt ever had existed before, no doubt can possibly be entertained. From the particular situation in which I felt myself placed, I thought it my duty to proceed personally this morning to Windsor for the purpose of procuring at the latest possible period before the meeting of this House, a clear and explicit explanation as to the actual state of his Majesty's health. I have now therefore the satisfaction to inform the House, that, I have seen his Majesty's physicians, and that they are unanimously of opinion, that his Majesty is in a state of progressive amendment; and that a very considerable amendment has actually taken place.—(Loud cries of hear, hear!)—On this statement, Sir, so truly cheering to the feelings and so consonant to the wishes and to the prayers of his Majesty's subjects, (hear, hear, hear,) I ground the motion with which I shall conclude, for further adjourning this House to the day originally described in the royal proclamation. That the statement which I have been so happy as to be enabled to make, will be most grateful to the House and to the country, I cannot possibly doubt; and unless peculiar difficulties and embarrassments existed, which actually do not exist, I am persuaded that the House will not hesitate in adopting the delay which I recommend, in preference to the institution of any measure of a public nature under the present circumstances. Reserving to myself the right of making any further observations, that may be necessary should a discussion arise on the question, I move you, Sir, " That this House, at its rising, do adjourn for a fortnight."

Mr. *Whitbread* then rose and said, that in the few observations he was about to make upon what had fallen from the right hon. gent. opposite to him, he would have it understood that there was no man who participated more than he did in those sentiments of satisfaction which the prospect of his Majesty's speedy recovery must so generally inspire — a prospect happily to be collected from the right hon. gent.'s statement, " That his Majesty was in a state of progressive amendment." While, however, he was, with all others, most anxious for the complete restoration of his Majesty's health, and while he felt as much as any man on account of the serious attack under which he laboured—he was not to forget that there were at the same time other duties and considerations which were not to be wholly overlooked. The right hon. gent. had acknowledged that he had felt himself much disposed upon the last day of their meeting, to have proposed an adjournment to the full extent of what he now asked; it was, perhaps, as well that the right hon. gent. had not acted up to that inclination, for had he done so, had he ventured to have submitted such a proposition to the House, he (Mr. Whitbread) felt persuaded that the House would have rejected it. As to the attendance upon that occasion, he not having been present, could not speak, but as to the question of sufficient notice, whether there was time or not to order letters to be written to every member, he could only say, that if there was time to summons, the summons ought to have been general, and if there had been an opportunity to give due notice to one, why not to all? (Hear!) This it was clear, there had been sufficient time for doing, and he thought that ministers, in omitting to do so, had not done their duty by the public. With respect, however, to the proceedings on that day, he acknowledged, that under the same circumstances he would, had he been present, have voted for the adjournment for a fortnight, in order to afford that time for ensuring an adequate attendance. That object had been fully accomplished, and they were now met, for the first time, during the sessions. This was virtually the first day of the sessions, for their former meeting was avowedly for the purpose of adjourning over. And upon this, the opening of the sessions, they met under the alarming circumstances of his Majesty being no longer in a state to transact or attend to public business. And yet they were now asked, not to proceed to provide against so serious a deficiency in the functions of the executive government, but to adjourn over for another fortnight! Where there was an actual physical necessity, no doubt it must be yielded to; but what was the urgency of the necessity then requiring them to suspend the adoption of measures for supplying the defect of the executive government for another fortnight? The constitution was confessedly suspended; it existed not separable from the executive power of the King; and yet they were now called upon to continue the suspension of the constitution for another fortnight; and upon what ground, upon what authentic testimony, upon what recorded evidence, was it that they were now asked to do this? Upon no such ground, in short, upon nothing but the bare, unrecorded statement of the Chancellor of the Exchequer! (Hear! hear!) Was it upon such matter, upon such loose and un-authenticated communication as that they were required to ground a parliamentary proceeding, in a crisis of such importance? Why had not the privy council been generally and indiscriminately assembled, and the physicians examined before them? or, if that had been done, why was not the evidence of those physicians laid before the House, to enable it to form its own judgment instead of being obliged to hazard conjectures upon the mere assertions of a member of Parliament? (Hear! hear!) In their ordinary course, that House was not in the habit of grounding their proceedings upon mere vague assertions coming from any individual, however respectable. He would ask, if it would not seem strange, in a business of the utmost moment, to depart from that rule which governed their conduct uniformly on other less important occasions, and to be content with less satisfactory grounds of proceeding, in a case where the most authentic and conclusive evidence ought alone to be admitted? They were now after one adjournment, going to adjourn again, without any necessity for either appearing recorded on their Journals. This was not consulting the importance of the crisis, nor the dignity of their own proceedings.

He felt as much as any man the delicacy of the question. The people of this country, he had no doubt, were unanimous in one common sentiment of personal respect towards the King; but they also felt, as indeed indispensibly connected with that sentiment (if not in a great degree giving birth to it) a due respect for the Kingly office itself. Were it possible for his Majesty to have had in contemplation that a calamity so heavy would have fallen on him, who could for a moment entertain a doubt that he would not have enjoined his ministers to take, without delay, the most summary method of supplying the defect, occasioned by his melancholy illness: and was it acting up to what might so fairly be supposed to be the wishes of his Majesty, again to defer the prosecution of the public business. They were now proceeding to adjourn for a fortnight; to do without the Kingly office for that period; and all this, with their eyes open to the present alarming state of things, and their too probable consequences. This was so wrong in itself, that precedent could not justify it. But there was, in fact, no precedent: for the times when the executive government was allowed to be before temporarily suspended, were so essentially different in every respect from the present, that the proceedings of that day could not be produced now as a precedent applicable to the present period: then we were at peace, now we were at war: then was a time of confidence, the present times were pregnant with perils, alarm, and despondency; they knew not what even a week, a day, might produce.

There was another consideration also which he would willingly pass over, anxious as he was upon such a topic to avoid every allusion that could be thought invidious. He could not, however, help reminding them, that at that day Mr. Pitt was the minister; and they all knew who were now the ministers. They who, like him (Mr. Whitbread), had generally opposed their conduct as ministers, even when acting under the controul of the Kingly office, could not be thought willing to allow such ministers to continue in power after that salutary controul had been removed. He asked the House, therefore, if, in such circumstances, they would come to pass an order for further suspending the executive government? Was that the duty of the House of Commons? He certainly thought it was not; that such a proceeding would be a violation of their duty. He thought that under such circumstances, it did not become them to adjourn for more than from day to day. The two Houses of Parliament (he prayed God that he might soon have it in his power to say, the Parliament itself) assembled, ought to take the speediest and most effectual method to provide a remedy against the recurrence of that calamity which was now to be so generally deplored. It ought to have been provided before. He could not conceal from himself that the present alarming state of things—he could not conceal from himself that the misfortunes of 1788, great as they unquestionably were, were yet both as to themselves and their consequences, but minor calamities compared with those of the present times; but still there was another point in which the precedent then furnished, had been in the present instance departed from; then the Lord Chancellor, Thurlow, (if he was in error he was open to correction) had announced to the other House of Parliament, that he had on that day seen his Majesty; but the right hon. gent. had only seen his Majesty's physicians. He had stated what, no doubt, gave them all cordial pleasure, the opinions of those physicians as to the King's appearing to be in a state of progressive amendment; but there the right hon. gent. stopped. He did not state nor hold out any hope of the period at which we might reasonably expect his Majesty's complete restoration to the discharge of the royal functions: would it not have been but consulting the decency of the House of Commons to have laid before them a report of the examination of the physicians before the council? ought not such an examination to have taken place? might not means be resorted to for putting the House in possession of that information, so as they may record the necessity that influenced their measures? He thought they might, and that too without any infraction of delicacy. In that case they would have sufficient grounds to go upon, but in the present there were not sufficient. No parliamentary proceeding, in a case of such importance, ought to be grounded upon the mere assertion of one of their own members; they were to consider not only the King but the people; and both in reference to the other; the people had a Sovereign whom they loved, and the King had a people whom he loved; that House should look equally to the interests of each, in order best to discharge their duty to both. He need scarcely repeat the regret he felt for the severe afflictions of the King; his sense of them was such, that he could not conscientiously agree to the House adjourning for a longer period than from day to day. In case of any unfortunate event, which God forbid, the House ought not to extend their adjournment to a longer interval at such a crisis. He did not wish to distract or to divide; to create either jealousy or anger; but at a period when the country was deprived of the executive part of the government, he must enter his solemn protest against any measure that would for another fortnight continue to deprive them of the aid and councils of the remaining two branches of the legislature, though he would not divide the House upon the question.

Sir *Francis Burdett* said, that agreeing as he did in most of the observations which had fallen from the hon. gent. who had just sat down, he was determined not to let the question go to a decision without dividing the House upon it. The motion now submitted to them he conceived to be one of the most irrational and unconstitutional propositions ever made in that House. He would never consent to compromise the constitution. Had he been present on the last day of meeting, he would have opposed every motion for adjournment. The constitution was suspended, and he would not have agreed to a moment's delay, till that constitution was restored; but now, after that delay—after deferring so long their duty to the people, were they now still further to postpone it for another fortnight? But the time was not of such importance as the principle. What principle was this mode of proceeding calculated to establish? Could the public business go on without the executive government? If it could not, why at such a period, was it to be deferred? and if it could, were ministers anxious to convince the people that the executive branch of the constitution was a mere nothing? Was there any proceeding more likely to bring that part of the constitution into contempt? Was it not holding it forth to the country as a mere farce? Were the people to be told, that in the votes of both Houses only consisted the constitution—that the crown might be placed on a cushion, whilst all its powers and prerogatives were to be left to the discretion of ministers? If the present predicament was an awkward one, it was so because the House had not, in the first instance, done its duty, and not because the line of their duty was doubtful or difficult to discover. As to the mode of proceeding which they ought now to adopt, there could be no doubt or difficulty about it. He felt for the personal sufferings of the King, as every man must feel, but they need not, nor ought they to interfere with the discharge of their duty both to the King and to the people. He felt for the King, but he felt equally for the perilous state of the country. Was it treating the House of Commons with common decency to call on them to postpone their duty to the people at a period of such emergency, upon the mere *ipse dixit* of the Chancellor of the Exchequer? As to the distinction of seeing the King's physicians, and not the King himself, it did not weigh with him, because in either case it would have been but the mere assertion of an individual, and therefore no ground for parliamentary proceedings. Let the individual assertion have been what it might, he would have voted the same way. He would never agree to compromise the duties of that House to the constitution, nor willingly to submit to any power extended beyond it. The act passed by a very prevalent and powerful faction against his royal highness the Prince of Wales, never should have had his sanction; an act that put him into leading strings, that threw him back into the stage of infancy, and made him a sort of constructive lunatic, enacting him incapable of acting or of judging without the co-operation and controul of certain of the legislators; as it were stultifying him this moment, when the next, by the laws of the land, might have raised him to the crown of these kingdoms, and lifted him out of a cradle to have placed him on a throne. The same course was, he supposed, by a part of the same faction, which had heaped indignity after indignity upon his royal highness the Prince of Wales, now about to be adopted, as far as in them lay. He would resist it, and if he stood alone, he was determined to divide the House. If the ministers were resolved at the risk of the country's safety and at all hazards to prolong to the utmost limit, the tenure by which they held their places and their power, they and others might do so; but he would not go back to the people to tell them, that after the constitution had been suspended for a fortnight, he had voted that it should be suspended for a fortnight longer. A state of anarchy had existed sufficiently long. He would do what he could to restore to the people the government of the constitution.

Mr. *Tierney* had not intended, nor would it have been necessary for him to deliver his sentiments on this occasion, but as the hon. baronet had declared his intention of dividing the House upon this question, and he would feel himself bound to vote with him, it became requisite to say a few words in order to explain his reasons for so voting. He was extremely at a loss to know why, under all the circumstances of the case, the right hon. chancellor of the exchequer should have adopted the measure he now recommended to the House. He could not see what the right hon. gent. could gain by it, nor what could be his object in thus creating a difficulty for himself, and for the House. Why would he not follow the only precedent they had of a similar occasion, and adjourn the House till Monday? Had he made a proposition of this kind, he would have been happy in giving his support—no injury or inconvenience could arise from so doing. If his Majesty's malady unhappily continued or increased, the House of Commons would be ready to take such steps as were advisable to remedy the deficiency in the exercise of the executive functions of the government. If, on the contrary, his Majesty should be restored to health, his ministers might obtain his royal signature to the commission, and prorogue parliament to the period they might think most advisable. Why, therefore, would the right hon. gent. pursue this other course, and thereby expose the House to the appearance of difficulty and division? But there were no grounds whatever of a parliamentary nature laid for the adoption of this proposition. As a member of parliament, he could not take the word of any man breathing as the ground for a parliamentary proceeding. If the right hon. gent. had offered himself to be examined by the House, and in that situation informed them what questions he had put to the physicians, and what were their answers; even that would not have been sufficient, though it was much more than to hear him merely state a matter in the course of debate. The one would be put upon their journals, and appear as some reason for their adjourning for a fortnight at so momentous a period; but the other could no where be seen or referred to, and their proceeding would consequently seem to be without motive or sufficient cause.—When they knew that there was no executive power, would they take from the people the advantage they possessed of having the two other estates efficient in whatever manner assembled? He again repeated that such a course could be of no benefit to the country; and that it was directly in the teeth of the only precedent that could be referred to. Upon all these considerations, which were very obvious, and from a variety of topics which pressed on his mind (and he dared to say on the minds of every gentleman who heard him,) and from which he carefully abstained; for one reason alone he would vote against the adjournment—this reason was, that there was no parliamentary ground laid for the proposition.

Lord *A. Hamilton* said, that the question was simply, whether, in consequence of the calamity which had befallen the executive branch, they should suspend the proceedings of the other two branches of the legislature for a fortnight? He did not mean to say, that there was any great danger to the state from an adjournment for a fortnight; but he thought there would be still less danger from adjourning from day to day. It had also been stated, that it was the original intention of the executive to have prorogued Parliament to the day to which it was now proposed to adjourn. He could not, however, believe that his Majesty would have formed such an intention, or that his ministers would have advised him to it, if either of them could have foreseen that such a calamity would, in the mean time, have fallen upon the executive power. For these reasons he felt himself imperiously called upon to vote against the adjournment proposed.

Mr. *Fuller* was disposed to agree with the hon. gent. opposite as to the necessity of avoiding delay, under certain circumstances; but on so melancholy an occasion as that to which the right hon. gent. (the Chancellor of the Exchequer), had alluded, and when so many reasons were urged for that delay, he could not avoid supporting the motion. On a subject which even in private life would affect any man strongly he could not refuse his assent; but how much more so did it become every man not to wound the feelings of the principal branch of the executive government? The delay was only for one fortnight; would any danger arise to the country from it; certainly not; it might be permitted without danger, for the enemy could not get a ship to sea, nor could their troops beat lord Wellington.

Mr. *Ponsonby* observed, that having been one of those members who had not had an opportunity of being present in the House on their last meeting, this must be considered as the first opportunity he had of delivering his sentiments on this momentous question. But indeed every member in the House might fairly be deemed to be in a similar situation, for the shortness of the notice previous to their former meeting, and the high importance of the subject before them, was such, that they could have no alternative but to adjourn in the first instance, as they had done, till a fuller attendance could be procured, and a more mature deliberation given. On that occasion, and under such circumstances, ministers, he thought, might well be excused for not offering any reasons to induce them to take the step they had taken; but at the present day, after the delay of a fortnight, they ought to have been prepared to come forward with some substantial grounds for the resolution they proposed for the acceptance of the House—grounds much more substantial than those which had been adduced by the right hon. the chancellor of the exchequer. That right hon. gent. well knew that they were now acting not as a parliament, but as a convention. As the third estate was absent, they were not—they could not be a legal parliament, nor could they act as such without being brought together by the King, unless an absolute and imperative necessity were shewn for their meeting without that sanction. Under these circumstances, the right hon. gent. proposed an adjournment for fourteen days on his own allegation, that he had seen and examined the physicians attendant upon his Majesty, who had assured him that his Majesty had improved in health, and was in a state of progressive amendment. Much as he was gratified by this report (and no man could feel more delight than himself in the expectations of a speedy recovery to which it gave birth), yet he felt a strong indisposition to take the word of any member of parliament, or of any minister of the crown, as the ground for his proceeding; and for this reason, because all the principles of the constitution were against it—because, if parliament acted as a convention, they ought, by proof and evidence before them, to establish the absolute and imperative necessity which compelled them so to act, which was not done by the information given them by a minister. In speaking of a minister, he begged to be understood not to allude invidiously to the right hon. gentlemen opposite, or to any minister in particular; he spoke of ministers generally, and meant that the House could not receive the word of any minister as a ground for their proceedings. It appeared to him that other grounds might have been laid without infringing on that delicacy of conduct which the peculiar nature of their situation demanded, and which it was his most earnest wish, and he was sure the most earnest desire of them all, strictly and guardedly to preserve. He thought a single physician might have been examined at their bar, whose report would have established the nature of the King's malady; and being placed on their journals, would have become a parliamentary foundation of their proceedings. He was convinced the delicacy he had already alluded to would have induced them to rest satisfied with this one evidence, without inquiring further, and have prompted them to accede to the motion of the right hon. the chancellor of the exchequer, which, under such circumstances, it would have afforded him the highest gratification to have seconded. But his (the chancellor of the exchequer's) conduct placed him in a difficulty, and the principles of the constitution rendered him reluctant to consent to the proposition for an adjournment.

From the bulletins regularly published and promulgated by the physicians, they saw that the King's health was in a state of amendment, and this added still more to the delicacy of the situation in which the House was now placed. This was a strong inducement for them to adjourn, in order to ascertain, more clearly and decidedly, what turn the disorder would take, and when and how it might be expected to terminate. For if they refused to adjourn, many in the country might think that their refusal proceeded from a want of respect and affection to his Majesty.—In respect and affection for the King, however, though he yielded to none, yet by his sense of duty warring with the proposal of the right hon. gent. he was placed in one of the situations most painful to his feelings that ever he had experienced. The right hon. gent. proposed to adjourn to the 29th of the month, because that was the original intention of the King and his confidential advisers. But the House had no evidence of this.—(Here the chancellor of the exchequer across the table mentioned the proclamation in the gazette.)—Mr. Ponsonby continued: It was needless to enter into a controversy upon a point not at all material to the subject of their present deliberation. The intention of the Sovereign, when his understanding was in such a state as to enable him to exercise the functions of the executive government, and to decide on the propriety of public measures, ought not to govern the conduct of the House of Commons—when, from the unfortunate circumstances that had since arisen, he was no longer capable of giving his attention to business, or of sanctioning any act of the legislature. On these considerations, and in their present situation, it would much relieve his embarrassment; and, he conceived also the difficulty in which the House was placed, if the right hon. gent. would consent so to shape his motion, as to make the period of adjournment a week instead of a fortnight, as he now proposed. No disadvantage could arise to him from this alteration. If his Majesty continued to recover, which he trusted would be the case, they might then adjourn again till the 29th, or till a commission could be made out for their legal and regular prorogation. If, on the contrary, his Majesty's malady should unfortunately take an unhappy turn, so as to render their proceeding advisable, then every one, even the right hon. gent. himself, must wish that their adjournment had only been for a week.—But after all, if the right hon. gent. was determined to press his motion on the House, strongly as the sound principles of the constitution pressed on his (Mr. Ponsonby's) mind, he would rather sacrifice his opinion, and give up his judgment, than by dividing against or negativing the proposition, give the semblance of reality to the idea that the House of Commons could act without due respect, regard, and affection to the King, or adopt a measure which could bring the delicacy of their conduct towards him into question.

Mr. *Canning* admitted that this was a question on which it was possible to entertain different opinions and views without impeachment of motives in any quarter. The hon. gent. opposite seemed to think that, as the House had met, it was his duty to proceed to some act of business. This, however, was purely a matter of discretion. It had the alternative of adjourning, and this alternative they were now called upon to adopt. If they were to proceed to do any other act, then indeed, he should be of opinion, that a much more particular, correct, and authentic statement ought to be laid before them. But to proceed now to examine the physicians before the adjournment, was directly contrary to the principle for which the gentlemen on the other side contended. The precedent of 1788 was not the only one in the memory of them all which applied to the present circumstances. They all knew that at one period, when parliament was actually sitting, his Majesty had been indisposed, and bulletins had been regularly and daily issued respecting the state of his health, and yet the legislature had proceeded with the business of the nation, notwithstanding that indisposition. If the House, however, were now to institute any proceeding, he thought that a much more accurate and authentic information ought to be produced, as the ground of such proceeding. But a doubt having been brought home to their minds, and a most satisfactory doubt, whether any act would be necessary at present to supply a deficiency in the functions of the executive government, it became a question whether at this moment the House would take any step whatever further than to adjourn. They were now required to refrain, upon hopes, held out that they would be most probably relieved from the task of adopting any measures at present, with respect to the executive authority. It was no dereliction of duty in the House, therefore, to wait for a short time, to see whether its interference would be necessary. Nothing was asked but a short interval to determine that point—Nothing but a short space to ascertain what turn the malady would take—*Spatium requiemque dolori.* This under the circumstances, he thought it advisable to grant, and would, therefore, support the motion for adjournment.

Mr. *Tierney,* in explanation, disclaimed having thrown out any idea of an examination of the physicians by parliament. All that he and his friends contended for was, that they should have a regular and authentic assurance that there was a reasonable prospect of the speedy termination of the King's malady. The examination might have taken place before the Privy Council, and nothing more need have been given to the House than the general result. He implored the House therefore not to think that they had contended for an examination of the physicians at the bar. They had required nothing more than that a proper ground should have been laid for the step which they were called upon to take.

Mr. *Canning* said, that he had so understood the right hon. gent. and had given his observations their fair meaning, and with that the explanation occurred. The right hon. gent. opposite thought the House ought to do no act in the present circumstances, merely upon the Chancellor of the Exchequer's information. The Chancellor of the Exchequer however proposed to do nothing more than to adjourn, and this under all the circumstances, he thought the House might do, even upon such information as they possessed. But if the House had been called upon to adopt any other proceeding, his (Mr. C.'s) argument was, that much more authentic and regular information ought to have been produced.

Mr. *C. W. Wynn* thought it a compulsory duty on the House to see what was its real situation, whether it was to be considered as a parliament or a convention. The right hon. gent. (Mr. Canning) had adverted to the precedent of 1804, but that did not apply to the present circumstances. Parliament had then been regularly convened by the King. It was generally known at that time that his Majesty laboured under some indisposition, and it was believed that the malady was of the same nature with that under which the King suffered in 1788. But his indisposition did not then appear by an acknowledged inability to perform any of the necessary acts of the executive power, and when an hon. baronet*, referring to the bulletins, required an explanation from the ministers, it was stated that there was no want of capacity to perform the duties of government: that it was not thought advisable to press much business on his Majesty; but that, in case of necessity, he was perfectly competent to act. But now they were met, he knew not in what capacity; nothing but a paramount necessity could justify them in doing any one act. Their first object ought to be to establish that necessity if it existed, and to ascertain why they were met there in that way—and then the question of expediency would arise, whether they should proceed to business, or adjourn. If it should appear upon investigation, that there were strong hopes of a speedy recovery, the latter alternative might then be adopted. He should feel great pain, however, in voting upon this subject. He would have been much better pleased with the mode of protesting which had been resorted to by his hon. friend below (Mr. Whitbread), but he could not refrain from declaring his opinion.

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* Sir Robert Lawley, see vol. i. p. 507.

Mr. *Sheridan* said, he did not rise to protract this debate, but could not omit stating that when the original adjournment till this day had been moved, it was understood that a second adjournment might be necessary, unless a more unfavourable turn in his Majesty's malady than was then contemplated should in the mean time take place. The motion for that adjournment he had seconded; and before he could so far depart from the pledge then given by him, it must be made clear to his mind that the state of his Majesty's health was not amended. So far, however, was this from being the case, that the whole House must be satisfied, from the reports of the physicians, as well as from the statement of the right hon. gent. opposite, which came down to the latest moment, that the state of his Majesty's disorder was greatly amended. He should not be inclined to object to the proposition of his right hon. friend (Mr. Ponsonby), that the adjournment should only take place for a week, if agreeing to that modification of the proposition could produce what was so highly desirable on the present occasion—unanimity. The hon. baronet (sir F. Burdett), however, was against any adjournment whatever; and he would wish therefore to know what that hon. baronet would propose that the House should do? The hon. baronet indeed had said that the House should not adjourn for a single day, or consent to remain in the state in which they were for a moment. Would the hon. bart. then wish them now to proceed in providing for the suspension of the executive functions? If the abstract proposition was to be taken in its full extent, any common disorder, any ordinary fever which a king might have, and which might render him incapable even for a day or an hour to exercise his royal functions, would be a ground for proposing the filling up the vacancy in the executive. If this was evidently absurd, it followed that parliament had to exercise its discretion on the nature of the malady with which the Sovereign was afflicted, and as to the propriety of proceeding to take any measures upon it. Although it was a most unpleasant subject to speak of, he must say that the hon. baronet was wrong in point of fact when he said that this was the second time his Majesty had been visited with this affliction. It was extremely unpleasant to refer to this, as a matter of calculation, but the House must be aware that this was the fourth recurrence of a similar malady. Be it so, but still the remembrance of four instances of affliction must bring along with it the consoling recollection of four instances of recovery. His right hon. friend (Mr. Canning) had referred to the year 1801, and not to the year 1804. That case, however, it was said, did not apply to the present. This he could not agree to. If parliament was legally opened and it was afterwards found that his Majesty was incapacitated for the discharge of his functions, parliament was equally bound to proceed in providing the remedy as if the incapacity had manifested itself previous to their meeting, and had been the occasion of their assembling prematurely. It was the duty of parliament to proceed on the notoriety of the fact, as much as on the manifestation of the incapability displayed in the want or omission of an essential public act. On the occasion of his Majesty's affliction in 1801, one of his Majesty's ministers (the late Mr. Pitt) had continued in office, declaring as a reason that his Majesty could not receive the seals of office from him. At that period his Majesty continued in this state for a longer period than on the present occasion. A gentleman (Mr. Nichol) not now a member of that House, did at the time give notice of a motion for an inquiry into the subject; but, on the day on which the motion was to have come on, he (Mr. Sheridan) anticipated it, by moving the question of adjournment, which was seconded by Mr. Pitt, who came into the House whilst he was speaking, and consequently carried. In a few days it was clear and manifest that there was no occasion for such a motion, and no such motion was ever made. He knew from the highest authority that one of his Majesty's first inquiries, after his recovery, was whether any parliamentary inquiry had been made into his situation, and that it proved the most gratifying thing to his feelings that no such inquiry had taken place. (Cries of order! order! order!) He was sorry to be out of order, but after what he had already said the House would readily surmise what he wished to say.

But this he presumed he might be allowed to say, without any breach of order, that by an adjournment for the time proposed, there was reason to think that all further discussion on this calamitous subject would be rendered unnecessary—a circumstance which he knew must be highly gratifying to the feelings of the House and of the country. If any examination of the physicians in attendance on his Majesty had taken place, he doubted not it would have been laid before the House. But if they had been examined at this period of the disorder, there was reason to believe that they might have been unwilling to pledge themselves to any specific opinion, and might have desired longer time to consider and to judge of the various symptoms.

Sir *Samuel Romilly* did not rise for the purpose of protracting the debate, nor with a view by any thing he should say to provoke his Majesty's ministers to disturb the systematic silence which they had observed on this occasion; his only object in rising was, that he might explain what he was very anxious to explain, the reason why he should feel himself compelled to vote against the motion for an adjournment for a fortnight. The question then before the House was, not whether they should proceed to take any particular step, but whether it was more proper and desirable for them to adjourn for a fortnight, or for a shorter period? That was the question upon which he understood it to be the intention of the hon. baronet to take the sense of the House, and, consequently, he took it for granted, that if the motion for the adjournment for a fortnight should be negatived, the hon. baronet meant to follow up that decision by a motion of adjournment till to-morrow. No hon. member that he had heard had given an opinion that the House should in the present instance proceed to take any step for supplying the deficiency in the exercise of the royal functions.—The only point to which the argument of those who preceded him in the discussion applied, was, whether it would be more eligible to adjourn over for a fortnight, or from day to day? And here he must observe, that the right hon. gent. (the Chancellor of the Exchequer) had not stated any satisfactory reason, why that House should, by the adoption of his motion, put it out of its power to assemble during a fortnight, in case any emergency should occur to require the interference of parliament.—The only question, therefore, was, whether they, the representatives of the people, the servants of the public, should, called together as they had been, adjourn from day to day, or deprive themselves of the opportunity of discharging their duty to their constituents; and at a period when they might momentarily expect to hear of great national calamities abroad, or of some heavy public afflictions at home? Deprived, as they were at this moment, of the parental care of his Majesty, he did not think it right in them, as public servants, to put it out of their power to take any step during fourteen days to meet any emergency which might possibly arise. It would certainly not be the wish of any hon. member, if the adjournment from day to day should be agreed to, that any parliamentary proceedings should be proposed, unless such a change should take place in the state of his Majesty's health as would render such a measure indispensible.

The case in 1788 afforded no precedent for the course proposed by the right hon. gent. At that period, unquestionably the parliament had met in the same manner as in the late instance. In that case the parliament, as on the late occasion, adjourned over for a fortnight. But at the expiration of that adjournment the House had not re-assembled under the same circumstances as at present; they had then no reason whatever to entertain such hopes of his Majesty's speedy re-establishment, as the statement of the right hon. gent. opposite (the Chancellor of the Exchequer) was calculated to excite. The parliament consequently proceeded to take those steps which the necessity of the case imperiously called for. In that instance, too, the House had full information upon the real state of the case, derived from the examinations of the physicians, whilst at present they had no official or authentic knowledge of the fact, and would therefore be by no means justified in taking any steps founded only upon the communication of the Chancellor of the Exchequer, or of any other individual. But it had been argued, that, as they were not to take any steps in the mean time—as they were to do nothing, they ought to adjourn over for the fortnight. Yet he would ask those gentlemen who reasoned in that way, was it nothing to consent to an adjournment for a fortnight, to put it out of their power during fourteen days to resort to any measures, which a possible, not to say a probable, contingency might render necessary? Was it to do nothing, to deprive themselves by such a proceeding of all opportunity during that interval of faithfully discharging those important duties which their constituents sent them there to perform? It was upon this ground that he felt himself bound to oppose the adjournment for a fortnight, with a view if that should be negatived to support an adjournment for twenty-four hours. In doing this, he was persuaded, he was taking the most effectual mode of shewing his loyalty, his affection, and attachment to his Majesty; because nothing could so directly tend to support and strengthen the best interests of the crown, than that, during a period when there was a possibility of the occurrence of great national dangers and disasters, that House should be ready to resort to such measures as the exigency of the case might require.

Mr. *Bathurst* lamented that any difference of opinion should arise on a subject of so delicate a nature. Supposing, as was desired by some gentlemen, that the House was to meet day after day (for which he saw no necessity,) all they could do was to proceed in a more summary way to supply the existing deficiency; but that deficiency now complained of could not be supplied in any way so soon as a fortnight. He perfectly agreed with what had fallen from the right hon. gent. (Mr. Sheridan) whose speech as well on this as on other critical occasions, had done him so much credit, but who was stopped in the most interesting part of it. That the House had a paramount duty to perform, and that duty was, to take care that the people's interests were protected, he admitted; but next to that was to be the consideration that nothing was done by the House which could affect the feelings of his Majesty—(Hear, hear!) The right hon. gent. had made observations, which though called to order for, were not in his opinion improper. He could not see any necessity for meeting earlier than the time proposed by the right hon. mover. The question was, as stated by the right hon. gent. (Mr. Canning,) a question of discretion, not so much as to what the House ought to do, as what they should forbear to do.

Mr. *Elliot* said, the question, as it appeared to him, was, whether they should assume and exercise powers approaching to those exercised by the convention, without any other statement than the verbal communication made by the right hon. gent. He did not mean to express any doubt of the word of that right hon. gent., or of the very respectable gentlemen in attendance upon his Majesty; but that House ought to have some more authentic information as the ground of its proceeding. Under this impression, he should vote against the longer adjournment if pressed to such a vote.

Mr. *Wilberforce* agreed that the House had then no alternative but to enter at once into the examination of the physicians, or to adjourn. He could not but entertain a decided preference for the latter alternative. In this impression he was strengthened by what had fallen from his right hon. friend at the conclusion of his speech, which afforded reason to hope for his Majesty's speedy recovery. He concurred also in the adjournment, because no hon. member, with the exception of the hon. baronet, had stated that any step should now be taken to supply the deficiency in the functions of the executive. Those gentlemen who supported the adjournment from day to day, did it on the ground that parliament might be ready to provide for any emergency which might possibly arise. He had particularly an objection to that mode of proceeding. Was it a proper situation for that House to be placed in, to have to consider from day to day the reports of his Majesty's physicians, and to decide from the more or the less favourable complexion of them, whether a recovery was to be expected, or his Majesty was in such a state as to require parliament to take steps, and make provisions for supplying the deficiency of the executive? Not willing to see the House placed in such a situation, he should vote for the adjournment for a fortnight, especially as during that period it was impossible for the House to complete the measures for supplying the executive. As to what had been said of the necessity of having more authentic information than that of the statement of the Chancellor of the Exchequer, he would remind the House that they often took his and other ministers assertions as the foundation of their proceedings. On the whole, therefore, he should vote for the motion of his right hon. friend.

A division then took place—For the question of adjournment 343; Against it 58;—Majority 285.

The House then adjourned to the 29th instant.

List of the Minority.

Abercromby, Hon. J.
Aubrey, Sir J. Bart.
Bradshaw, C.
Brougham, H.
Baillie, P.
Bennet, Captain
Biddulph, R.
Burdett, Sir F. (Teller)
Byng, George
Bligh, T.
Combe, H. C.
Cuthbert, J. R.
Creevey, T.
Chaloner, Robt.
Dundas, L.
Dudley, North
Eden, G.
Elliot, W.
Fitzgerald, Lord H.
Folkestone, Lord
Greenhill, Robert
Hanbury, Tracey
Hurst, R.
Hamilton, Ld. (Teller)
Halsey, J.
Horner, Francis
Hutchinson, C.
Hughes, H. L.
Kensington, Lord
Lambton, R. J.
Lloyd, J. M.
Mostyn, Sir T.
Milner, Sir W.
Markham, John
Matthew, M.
Maxwell, W.
Madocks, W.
Miller, Sir T. Bart.
Martin, H.
Ossulston, Lord
Osborne, Lord F.
Pelham, C. A.
Parnell, H.
Romilly, Sir S.
Somerville, Sir M.
Spiers,——
Sharp, R.
Smith, Wm.
Scudamore, R. P.
Symons, Col.
Tierney, Rt. H. G.
Wharton, J.
Williams, O.
Wynn, Sir W. W.
Wynn, C. W.
Whitbread, Samuel
Wardle, G. L.
Walpole, General

HOUSE OF LORDS.

Thursday, November 29.

The House met about half past three. Lord Thurlow was introduced by the Earl of Moira, and lord Walsingham. The second patent of creation granted to his uncle, the late lord Thurlow, with remainder to his collateral relations, under which the present lord succeeds, having been read at the table, his lordship took the oaths and his seat.

[KING'S ILLNESS.] Soon after five o'clock the House proceeded to business.

Earl *Camden*, lord president of the council, presented the Report of the Privy Council, containing the Examination of the Physicians, relative to the state of his Majesty, which he requested might be laid upon the table with leave of the House.

Lord *Grenville* thought the proceeding informal, as no paper, excepting a bill, could be laid upon the table without a motion, and a vote of the House consenting to it.

Earl *Camden* said, he had mentioned 'with leave of the House,' and now moved that the Report be laid on the table.

This motion was put by the Lord Chancellor, and agreed to.

Earl *Camden* then moved, That the Report be read; and the clerk read it at the table.

The Earl of *Liverpool* asked, if it was wished by the House that the Report should be read again. There were some cries of 'Yes! yes! and No! no!' and after a short interval, the Report was again read by the clerk. [For a Copy thereof see this day's Proceedings of the House of Commons.

The Earl of *Liverpool* then rose and said, that the House having adjourned to that day on account of the lamented continuation of his Majesty's ill health on the last day of their meeting, the privy council had since assembled, and had made the important examination, the particulars of which were now on their lordships table, and had been twice read in their hearing. From that examination of his Majesty's physicians, his lordship deduced three important leading points of consideration. First, the establishment of the fact, that the present state of his Majesty's illness prevented him from coming in person to meet his parliament, or attending to any public business, and the consequent suspension of the exercise of his royal functions: secondly, the confident hopes and expectations entertained by all his physicians of his Majesty's perfect recovery: thirdly, that as to time, though nothing specific could be stated respecting the duration of the King's indisposition, yet that a considerable amendment of his Majesty's health had already actually taken place. With these three material points before them, it would be for their lordships in their wisdom and justice to determine what mode of proceeding it would be fitting for them to adopt under all the circumstances of the case. He was perfectly ready to agree with a noble baron (Grenville) in what had fallen from him on a former day, when he stated that in their present situation, whatever mode of proceeding their lordships might choose to adopt, they would still be only making their choice of difficulties. No man, he was persuaded, could be insensible to the great inconveniences that must necessarily attend the melancholy suspension of the personal exercise of the royal functions. No man, on the other hand, could possibly be insensible to the very great inconveniencies that must unavoidably occur in the event of establishing a new authority in the state, which must be presumed to be only a temporary establishment, and which must necessarily be attended with all the various inevitable consequences arising from such an establishment. Their lordships had hitherto adopted what certainly appeared the best mode of proceeding: but, undoubtedly, however wise it was in their lordships to avoid precipitancy, he was perfectly ready to admit, that delay in so important a situation must have its limits. Upon a fair review of all the circumstances of the case, and upon looking at the report given by all the physicians, it was now for their lordships to judge what was farther to be done; whether they should now proceed to further examination by a committee of their own and to new arrangements, or agree to another short delay. The latter course he thought in every point of view the preferable mode of proceeding. He wished the House, as he had already intimated on their last meeting, particularly to keep in mind the proceedings of 1788. When a similar document to that now lying on the table was produced, on the former occasion, an adjournment was agreed to for four days. In the second stage of those transactions, though there was some reason to doubt whether it was at first intended to propose an examination of the King's physicians before a committee of that House, still a motion was made, and agreed to, for the examination, by parliament, of the physicians who attended the King's person. Acting then upon the precedent furnished on that occasion, he certainly intended to propose a motion for a further adjournment. But there was some material difference between the circumstances of the year 1788 and the present time, which induced him to propose, at present, a farther interval than four days.—At the former period, his Majesty had been ill for a longer time than at present. In the second place, there was a considerable difference between the results of the examinations of the physicians in the two cases respecting the favourable prospects of his Majesty's recovery. Now, the evidence read bore unanimous testimony to a very considerable amendment, and justified, as it expressed, a most confident expectation of his Majesty's recovery. They had not, therefore, at that time the same cheering facts they now had before them. They had also now in addition, what they could not have in 1788, the experience of his Majesty's recovery from former attacks of the same disorder. Though it might then have been advisable to proceed as their lordships had done, yet weighing well all the circumstances of the case at the present moment, he was certain that his mode of proceeding by a short further delay would produce much fewer inconveniencies than any other. If, at the period of the farther adjournment, which he should conclude with proposing, no such amendment should take place as to offer hopes of the speedy resumption of the personal exercise of the royal functions, he should then feel it his duty to move for an examination of the physicians on the precedent of 1788. But at present, looking fully, and weighing maturely, the evidence and all the circumstances, he felt that he should not discharge his duty to his Sovereign or his country, if he did not submit his motion for farther adjournment: and he trusted to the feelings and to the sense of public duty of every noble lord who heard him to adopt that as the most proper course of proceeding. His lordship concluded with moving, That the House at its rising do adjourn till Thursday, the 13th of December next.

Earl *Spencer* felt himself called upon by an imperious duty, however unwilling to obtrude himself upon the House on this most important occasion, to object in the most decided terms to the motion of the noble lord. They were now assembled not as a house of parliament but as a branch of the legislature, but as a portion of the estates of the realm. As their proceeding at all could only be justified by necessity, he contended that they ought to proceed with as little delay as possible to ascertain the necessity under which they were compelled to act. He had therefore objected to the adjournment, which was agreed to on the 15th till this day, though bowing with respect to the vote of the House, he must now protest in words against that decision.—They had, it was true, on that day as one ground of the proceeding the statement of a noble and learned lord, high in office and situation, high in legal estimation and in character, that there was a confident expectation entertained of his Majesty's recovery; but that still was only the assertion of an individual, and as such, was not a statement upon which that House ought to have founded any proceeding. It might however be asked, why he did not then object to the proceeding proposed?—But it would be perfectly in the recollection of their lordships, that very forcible objections to the course recommended by his Majesty's ministers had on that occasion been most ably urged by his noble friends, though they had abstained from taking the sense of the House upon it. Motives of delicacy had influenced himself at the same time, to abstain from obtruding his sentiments upon their lordships, and concur in the forbearance of his noble friends to disturb the unanimity of the vote. But, now, that he found his Majesty's ministers coming again to their lordships with a proposition for a further adjournment, he felt himself called upon—imperiously called upon, not only to oppose this extraordinary course, but to protest in the strongest terms, at the same time, against the former proceeding, in which, he must contend, that their lordships were not justified by the principles of the constitution. It was singular that the noble lord should declare his desire to adhere closely to the precedent of 1788, and yet should, at the same time, propose a proceeding which was an entire departure from it; the noble lord having now proposed an adjournment for a fortnight, whilst in 1788, on the 4th of December, the adjournment proposed was only for four days. And this too, taking their lordships meeting this day to be similar to the meeting of the 4th of December, 1788, which he could not admit, there having been in this case another adjournment for a fortnight. In fact, the adjournment on the 4th of December, 1788, was only over one sitting day of the House, it having been from the Thursday till the Monday following. Upon what ground then did the noble lord found this proposition for a delay of a fortnight, which was so direct and complete a departure from the precedent which he professed to take as his model?—The report of the privy council. He (earl Spencer) contended, that they could not found any parliamentary proceeding upon the report of the privy council; it was not the species of document upon which they could ground any measure, as the only regular way in which they could proceed, was to institute an examination before a committee of the House, in order to ascertain with precision the facts of the case. The only point as a guide for their proceedings, and as declaring the existence of the necessity under which they were acting for which they could look to the report of the privy council, was the actual incapacity of his Majesty to appear in person in his parliament, or to attend to public business. It might however, be asked, why take this fact of incapacity upon the report of the privy council, and reject the rest: But he contended, that this melancholy fact being once declared, their lordships were bound to proceed immediately to take the provisional steps previous to adopting measures for supplying the defect in the royal authority. He conceived it to be the bounden duty of their lordships not to delay taking any necessary steps to ascertain those facts, upon which they must found their further proceedings. Could it then be said, that at a crisis like the present no danger could arise from a fortnight's delay? The situation of affairs was very different now to what it was in 1788. In these eventful times, it would be a proceeding pregnant with danger, to delay for another fortnight the taking measures with the view of supplying the defect in the royal authority, unhappily caused by the melancholy and awful visitation which in the present indisposition of his Majesty had fallen on this country. He therefore felt it to be his duty to oppose the motion of the noble lord, and to propose that measure, which he thought the only one their lordships ought now to adopt, namely, the appointment of a committee to examine the physicians attending his Majesty, and to ascertain in a regular parliamentary and constitutional manner the facts respecting his Majesty's indisposition. He thought it right upon this occasion, although he might be considered to be wandering from the subject, but which other noble lords had done, with respect to the part he took in the proceedings of 1788, to declare that nothing which he had since heard or read had altered his opinion, and that the opinion upon which he then acted still remained the same.—The proper mode of proceeding, as it appeared to him, was by adjourning *de die in diem*, which would give their lordships an opportunity of seeing all the difficulties of their way. Whatever grounds of delicacy might be conceived, the principle was wrong; and he would call, as energetically as his feeble voice could enable him to call, upon their lordships to stop this transgression against the constitution by the timely adoption of other proceedings and by going into a proper mode of enquiry. On the 4th of December, 1788, the report being read, it was ordered to be considered on the ensuing Monday, omitting, in fact, only one sitting day. Whatever therefore, the noble lord might state concerning the three positions he took from the paper that had been read, he would assert, that that paper was not a material upon which parliament could act. The history of the times of 1788 shewed that there was at that period much doubt existing, which was natural in so unusual a case. On the motion for considering the report of the privy council's examination, a suggestion was made, that the House ought to proceed on some more authentic document. All the noble lord's arguments were deduced from that, which was not a sufficient document. It was not necessary or proper for him at present to go into the consideration of what the House ought to do to supply the present defect, or otherwise, after the regular finding of the fact. He therefore should not touch on the comparative inconveniences of different modes of proceeding, which was not then actually the question before the House. Their lordships would not discharge the duties of their station, or prove themselves worthy of the eminent distinction, belonging to their station, as hereditary members of the legislature, if, by their decision on this question, they should not prove, that they were sincerely actuated by a desire to preserve the integrity of the true British constitution. His lordship concluded by moving to leave out all the words after the word "That," and to insert "a select committee be appointed to examine the physicians in attendance on his Majesty relative to the state of his Majesty's health, and to report the examinations to the House."

The motion having been read by the Lord Chancellor, who was about to put the question,

The Earl of *Moira* expressed his surprise that no noble lord on the other side of the House had risen to defend the proposition of the noble secretary of state against the objections so strongly urged by his noble friend. The question was of such a nature that he felt himself called upon to offer a few observations to their lordships upon it. He had on the last day of their meeting supported the proposition for an adjournment for a fortnight, from those feelings of delicacy which must, upon such an occasion, mingle with every consideration of their duty: he could not, however, consistently with his public duty, support the proposition now made for adjourning for another fortnight. He had been misapprehended on the former occasion, in being supposed to say that no inconvenience could arise from the suspension of the royal authority during the delay proposed. What, in the present instance, he said, solely applied to those portions of the regal power which required the personal exercise of the royal authority. Inconvenience and danger must necessarily and inevitably arise from the suspension of the personal exercise of the royal authority; but feelings of gratitude and affection towards a monarch who had so benignantly ruled for so long a period, might justly operate to induce them to delay for a short time before they proceeded to take those measures, which a sense of public duty imperiously required. Under the influence of these impressions, he had supported the former motion of adjournment (the first adjournment having been of course under the then circumstances the only measure that could be adopted), but he could not consent to any further delay. Yet, these impressions must have their limits, and their lordships were consequently bound to look further, and to consider how the country unfortunately stood, as his noble friend had well observed. With him he agreed, that even from the admission of the noble lord, the House could not be justified in voting the adjournment proposed. They had to calculate whether, in the interval proposed, greater inconveniences might not arise, than could possibly result from the adoption of the proceeding urged by his noble friend. Even in the dryest view of the question, taking it in the most abstracted way, he thought that a sense of their duty to the country should induce them to consider without delay of the best means of remedying the defect which now unhappily existed. They should recollect how materially circumstances had changed since the period of that precedent, which, in all its bearings was so abundantly praised. No evidence as yet before their lordships warranted the proceeding called for. No man could entertain a higher opinion of the personal and forensic character of the noble lord then on the woolsack, who, in the late instance, informed their lordships of his Majesty's amendment; yet he did not deem his unsupported statement sufficient to warrant, of itself, the proceeding in that case adopted. Their lordships were aware, that on the very next day, nay, even at the very next moment, a very serious relapse took place in the malady with which the Sovereign was afflicted.

In this view of the case, therefore, there existed not the slightest ground for the proceeding called for, now that, with a weakened hope of speedy restoration, compared to what it then was, so long an adjournment was proposed. The statement of the noble and learned lord was, in that instance, founded on the representations of his Majesty's physicians; but how, after what had subsequently taken place in the state of his Majesty's health, could they rely sufficiently upon the speculations of the physicians to induce them to delay proceedings in the execution of a great public duty. The noble earl (Liverpool) had said that the report of the privy council established three facts, but, in truth, it only established one melancholy fact, namely, the incapacity of the King to meet his parliament, or to attend to public business; all the rest was the speculation of the physicians, and they had already seen what confidence was to be placed in this species of speculation. The noble lord had talked of introducing a new authority, but what new authority was to be introduced, would not the object of their proceedings be to continue the functions of the monarchy, of which the personal exercise by the monarch was now unhappily suspended? And surely the King, upon his recovery, would be gratified to find that these measures had been adopted which were best calculated for the support of the monarchy and the security of his Majesty and his family. Their lordships had, on this occasion, a great public duty to perform, and they could not justify themselves to their fellow-citizens if they now delayed proceeding to the performance of it. They surely would not hold out to the people, that the personal exercise of the royal authority was of so little consequence that it might continue suspended from fortnight to fortnight, leaving the authority of the crown in the hands of the committee who were now exercising it; neither was it fitting that they should leave authority in the hands of persons composing a government, who had not the confidence of the people, and who were believed by that people to be incompetent to the duties of their station. Surely, then, it was incumbent on their lordships to proceed, without delay, to take those preliminary steps which were necessary to form the groundwork of all their future proceedings. Let the physicians be examined before a committee of the House, that their lordships might have a regularly authentic document before them, of the opinions of the physicians; and from which examination much more might be obtained than was to be found in the report of the privy council. He did not mean to pledge himself as to what might be his conduct after such an examination should be had, as much, of course, must depend upon the nature of the testimony of the physicians; but the document now before them could not be taken as the ground-work for any parliamentary proceedings, still less for another delay of a fortnight.

The Earl of *Harrowby* rose to say, that the same reasons which weighed upon his mind a fortnight ago, influenced him still in supporting the motion for a farther adjournment; and he certainly had hardly expected that the noble lord who had just sat down would have now opposed what he had formerly seconded, particularly as the circumstances appeared to him (lord Harrowby) equally strong for delay in both cases. The first objection to the motion and the great charge against his noble friend (lord Liverpool) was, that it was an unnecessary departure from the precedent of 1788: but if it was a departure from that precedent, he was prepared to contend that it was only such as was rendered necessary by a difference of circumstances. The only difference between the two cases would be, that the same steps, if necessary, would now be taken with somewhat longer intervals of adjournment; for it would be recollected, that even after the physicians were examined in 1788, the next step was to adjourn for four days; and in the present case it was proposed to adjourn only for a fortnight. But were there not circumstances of great difference between the present and the former state of the health of his Majesty? At present, an amendment had actually taken place, and we had the experience of the past to justify the hopes of a speedy recovery. Let their lordships also add to this, that we had the strongest and most confident expectations held out by the physicians, that that recovery will be as complete as our wishes and our prayers could desire. Doubtless the House had a constitutional right to proceed immediately to take measures for supplying the executive power; but the exercise of that right would and ought ever to be regulated by discretion. Were they to draw this conclusion from the arguments of noble lords, that the moment an incapacity of fulfilling the royal functions was discovered, that moment they were bound to proceed in supplying the deficiency? Surely, both after the former and the recent conduct of parliament that could not be stated as necessary. Sensible he was of the inconveniences; nay, of the dangers of such a state of things at any time, and still more at the present moment; he was also alive to the dangers of a precedent, from which the executive branch of the constitution might appear to go on without a head. But this danger had been already incurred both in 1788, and more lately; while they knew that the temporary suspension of the functions of the supreme power did not in fact produce a total dissolution of government; that the government was capable of going on for a certain time; and that the momentum of force which our government has once received, still carries on its functions with steadiness and regularity:—'Currit iter tutum non secius 'equore classis.' Though the master be no longer at the helm, we are not in immediate danger of shipwreck. A certain degree of discretion in exercising our right may still be allowed; and the present motion for delay was expressly made for the purpose of laying the most solid grounds for supplying the chasm in the executive government. The noble lord had himself even admitted, that there ought to be on such an occasion a mixture of those feelings of respectful reluctance to interfere, which ought not ever to be discharged from political discussion. We must not only feel that it is a King of England who is the object of such feelings, but that it is this King of England. How natural was it, then, to wish for every possible delay before they should proceed to set aside the monarch from the throne, (cries of Order, Order!) and to fill up his place with another.

Lord *Grenville* rose to order. He expressed his astonishment that he had lived to hear it said, that he or his noble friends near him proposed to set aside the monarch from the throne. There was nothing in their language that even by the most distant implication could justify such an assertion. It was surely incumbent upon the noble lord to name who had ever intimated or suggested so monstrous a proposition, at which their lordships' hearts must shrink with horror. He must protest most solemnly and strongly against the use of such an expression.

The Earl of *Harrowby* said, if the noble lord had waited to hear his argument out, he would have found that he applied it in a manner not inconsistent with order. But in reply to his observation, he would beg to ask the noble baron in what country it was, that to appoint a regent was not for the time to set aside the monarch on the throne? (cries of No, no!) Well, then, if such language was not agreeable to the noble lords opposite, he might at least be permitted to say, that we ought to pause before we should determine to place in his Majesty's room any other person whatever. We ought to pause the more, when we considered that he has governed us for fifty years, and reflected upon the many blessings of his paternal sway.

Lord *Holland* spoke to order, and protested against the use of such language, as unconstitutional, observing, that if the noble lord persisted in making use of the expression, he should feel it his duty to move to have his lordship's words taken down.

The Earl of *Harrowby* said, that however he might feel inclined to bow to the correction of the House, he was by no means disposed to submit to the censures of the noble lord. He believed references of the same nature had been frequently made before in similar discussions; nor did he, although not in the ordinary practice of addressing their lordships, perceive any irregularity in the language he had used, sufficient to render the interruption he had met with necessary.

The Marquis of *Abercorn* observed, that in his judgment the call to order had been unnecessary, and was in itself a greater breach of order than that, which it professed to correct. It was perfectly plain to him, that if a regent were appointed, so long as his authority existed, the King would be certainly set aside. He was at a loss, therefore, to perceive in what the noble earl had offended against order, in using this expression, more particularly when the existing incapacity of his Majesty, as well as the propriety of abstaining from taking immediate measures to substitute a regent in his place, was the very subject of debate. It appeared to him that a difference of opinion had in this instance formed the only cause of the interruption which the noble earl had experienced.

Lord *Holland* insisted, that to use the King's name in the manner the noble lord had introduced it into the discussion, was highly disorderly; nor was the apology offered by the noble marquis such as ought to satisfy the House. Leaving, however, this point, and adverting to the question before the House, he declared he felt no reluctance frankly to acknowledge, that he entertained no predilection for ministers—no disposition to repose in them any extraordinary confidence. But, notwithstanding all the decisive opinions he had hitherto conceived or entertained of them, they had, in this instance he must acknowledge deceived him. Although he had been informed, both before and since his entrance into the House, of the course which they proposed to take, and of the motion which they intended to submit, it did appear to him so strange and incredible that any men should, under the circumstances of the period, recommend a longer suspension of the executive power, that he had been unable to give due respect or credit to the information. He should be sorry to display any unnecessary asperity on such an occasion, but it was impossible not to express the utmost astonishment at the motion of the noble secretary of state. That noble earl told their lordships, that, from the report of the examinations taken by the privy council, and this day read in the House, three facts had become apparent, and upon these facts, the noble secretary formed the grounds of his motion. He, however, considered the whole report as exhibiting nothing more than speculation, uncertain views on a most uncertain subject, and the only fact which to him appeared to be clearly established, was the fact of his Majesty's incapacity.

The noble earl (Harrowby) had founded his support of the original motion on the proceedings of 1788, as well as upon the example of the last adjournment for the period of fourteen days past. In what point the present adjournment conformed to the precedent of 1788, he was unable to discover, and that the adjournment which took place fourteen days before, should be urged as justifying or dictating a second adjournment for a period of equal duration, was a still more extraordinary position. He had consented to that adjournment upon motives which, though not conclusive to his understanding, had unquestionably appeared to him to outweigh upon that occasion, the inducements or the necessity of going to a division. The House had then scarcely met in sufficient numbers, the extreme delicacy of the subject, and the imperious call for unanimity of sentiment under so many circumstances of affliction, had prevailed on him not to oppose a step, which was to continue suspended for a further limited time the exercise of the regal functions. But which of these motives could now possibly operate on his mind? The report of the privy council had established the fact of his Majesty's continued incapacity. Here then was ground for investigation, here was a course clearly pointed out and opened to them for proceeding. Before the House knew the fact only on the assertion of an individual. After having ascertained this important point, with what decency could they be now asked to suffer the present defective condition of the government to continue? In 1788, the period to which his Majesty's ministers were constantly referring, as to the precedent which they were determined to follow with the most scrupulous fidelity, the preliminary points had been so arranged and conducted as to leave no room for difference or complaint between contending parties. How however, had ministers acted in this instance? In a manner diametrically opposite, deviating from the line which they themselves approved and particularly selected as a guide for their conduct in every respect. The great principle of that precedent unquestionably was, the resolution to which the states of the realm then came, that the right of supplying the defect of the royal authority had devolved on the two Houses of Parliament. This was the sum and substance of that precedent, and such were the principles upon which it proceeded, and the uses to which it is applicable. With all this before them, was it not obvious in what manner and form it was open to them to proceed to the discharge of the great and momentous duties now imposed upon them? Were they then assembled only for the purpose of adjournment? or was not the object of their meeting rather to restore life and activity to the royal functions? Ministers asked for more time—more time for what? the only answer that could be given to this question was, for prolonging the present calamitous situation of the country.

The noble secretary of state had indeed talked of inconvenience, of partial and comparative inconvenience. Was it possible to compare the inconveniences, to use the noble lord's own language, of the year 1788, to the dangers, the awful and unparaleled dangers of the present period? It was not to be forgotten that those who now constituted the government of the country, and who, he might venture to say, did not command or possess the confidence of the nation, were exercising at this moment an additional supreme authority, and that they were extending their power almost beyond the verge of responsibility. He felt deeply the state of the empire, and was willing, in illustration of that feeling, to adopt the metaphor of the noble earl (Harrowby). That noble lord had recommended delay, and could discover no danger in a still longer suspension of the executive functions. The vessel of the state, the noble earl thought, was under an impulse which would not be likely to cease, and would probably enable it to escape the shoals, if left to pursue its course unaltered. The *impulsus remorum* was in his mind still vigorous, still effective. Now he (lord Holland) feared that we were not on so calm a sea as the noble earl appeared to apprehend; he saw the vessel of the state assailed by tempests, and nobody at the helm; he saw her driven in a storm that threatened awful and imminent danger. The noble lord indeed had informed their lordships, that they ought not hastily to transfer authority, but he denied that any authority existed to be transferred; the royal authority was suspended, and unless supplied or vested in another person, there could be no executive power left in existence in the country. He conjured the House, therefore, to reflect before they suffered it to go abroad; before they permitted it to be said, that, at a moment so critical as the present, when, among many embarrassing circumstances, the absence of so large a part of our military force, was one not the least deserving of attention, or the least productive of the most justifiable apprehension, the House of Lords was content to confide the supreme power and authority of the realm to the hands of ministers, and had adjourned for a second fortnight without the adoption of a single measure that could tend to the security or the benefit of the country. The noble earl, no doubt, had talked of other facts and circumstances, as grounds to induce their lordships to agree to his proposition. He had with this view remarked, that we had now had experience of the nature of his Majesty's malady, and of the probability of his recovery. But whatever that experience might be, the noble earl seemed to forget that it was impossible it could have any weight or influence in their present deliberations. Neither of these facts were before them in an authentic shape; the report of the examinations taken before the privy council, was not ground on which they could institute any proceedings whatsoever. Before they could perform any legitimate act, they must ascertain in a regular form the fact of the royal incapacity. But by the system into which it was now proposed to enter, this evidence would never be attained; for there was nothing in the reasons adduced to justify the proposed adjournment, that might not, should his Majesty's illness suffer no abatement, be applied with equal force and justice to future and indefinite adjournments. Thus the period, when it should be acknowledged on all sides that the defect of the executive authority ought to be supplied, was to be placed at a remote distance, and all the evils of such a state of things aggravated by being rendered in a manner permanent. He called then on ministers to consider the course they were pursuing, and requested not to be regarded in the light of their opponent, while he cautioned them to pause on the verge of their strange and unaccountable proceeding. A bill of indemnity might hereafter screen them from the personal consequences of their rashness, but nothing could rescue the country from the hazard of those perils which were collected and darkened round her. The noble lord concluded a very animated and impressive speech by declaring, that he should vote for the amendment.

The Earl of *Westmoreland* could not but consider the present question as one of the most important that had ever occurred. He wished he could have heard it discussed with that temper and fairness, which a point of such delicacy and importance must so naturally have called for. Nothing, however, was heard, but accusations against his Majesty's ministers for having resorted to repeated adjournments, and unnecessary delays. Had ministers, however, been anxious to protract or defer the discussion of the question, might they not have adjourned at once to this day, agreeably to the manifestation of his Majesty's pleasure taken to that effect, declared by the order in council made out for a further prorogation to the 29th inst.? The line of the conduct they had adopted, had not arisen from any wish to retain their places; on the contrary, they boldly met Parliament, and betrayed no other anxiety than that their conduct might be guided by the wisdom and the judgment of the great council of the nation. If his Majesty's ministers had been disposed to avoid meeting Parliament, precedents were not wanting for affixing the great seal to public instruments, during the suspension of the royal functions, in cases of necessity. But if their lordships then granted on their last meeting an adjournment of 14 days, upon what grounds was a similar adjournment now to be opposed? In what situation were their lordships then placed? The physicians attending his Majesty had been examined, and they were unanimously of opinion, that stronger hopes may yet be entertained of his Majesty's recovery. Did the report of the physicians in 1788, state such confident expectations? No: the physicians had then but little or no expectations of the King's recovery, and his Majesty had then been ill more than six weeks. A proceeding should therefore not be instituted exactly on the ground of the proceedings in 1788. Besides, were we to forfeit the many blessings of his Majesty's reign; the many benefits conferred on the country for the long period of 50 years? This was a feeling with which the people of England were strongly impressed. He did not however mean to rest the merits of the question, on the emotions of gratitude and affection for the Sovereign; he was willing and disposed to argue it on the ground of political expediency and national utility. It was not how long, how many hours, how many minutes, the throne was vacant that should be inquired, but what was it which a sound discretion should incline us to adopt. In 1788, the discussions which took place branched into various views. Some supposed the regency to devolve of right on the heir apparent; others contended that the right of disposing of it belonged exclusively to the two Houses of Parliament. There was now no necessity of entering into those points. But to use a proper discretion in filling up the vacancy of the royal power, when the necessity of such a proceeding should be clearly ascertained.

Earl *Darnley* was strongly against a further adjournment of 14 days. Were such men as those who composed the present administration to continue in the full exercise of the royal authority for a fortnight longer, when the country was involved in every sort of danger, difficulty, and embarrassment? It was establishing a most dangerous precedent and example. It was trying a most perilous and hazardous experiment, to continue so long the suspension of the royal authority. Impressed with such a view of the case, he could never bring himself to acquiesce in the motion of adjournment.

Lord *Grenville* then spoke to the following effect: My lords, it would have been much more satisfactory to me before I rose to address you, to have heard the opinions of your lordships more at large, and still more satisfactory to have been acquainted with the arguments which his Majesty's ministers could have produced in order to induce your lordships to accede to the course they now recommend; and in so doing to abandon your most sacred duties—to turn your backs upon the constitution and upon your country. But I must own, that I am not surprised at the total absence of any thing like argument on their part when I consider the extraordinary nature of the proposition that the noble lords opposite submit for your adoption—a proposition most derogatory to the dignity of parliament—most hostile to the best interests of the monarchy, and most repugnant to every principle of the constitution. When I this day entered your lordships House, I did entertain the hope, that, as, from the pressure of public concerns—from the particular delicacy of the immediate question itself, unanimity was most desirable, such a course of proceeding would have been proposed as should tend to promote an unanimous acquiescence. It was under the influence of similar feelings, and actuated by such wishes, that I brought myself, on the former day, when we were last assembled to sacrifice my stricter judgment, and, for the sake of unanimity, to consent to the proposed adjournment. It was to the same influence that I did then attribute the decision of your lordships—for nothing can induce me to believe it possible that any other motive could have swayed you to put such a strain upon your duties—such a force upon your consciences, as that decision most unquestionably was. Who then could have supposed that on this night, upon much worse grounds, the same persons would have called upon your lordships to accede to a similar proposition, and once more to relinquish the paramount obligations which you owe to yourselves, to your country and to your Sovereign. If ministers had predetermined upon this surreptitious course—if knowingly they had formed the device of converting your former acquiescence into grounds for a future precedent, then I must say, that they have not alone been guilty of great disingenuousness, but have been implicated in a very criminal and treacherous proceeding. For what have we heard this night in support of their proposition? Not satisfied simply with recommending such a course to our adoption, they venture to justify it upon reference to our own proceedings on a former occasion. Adjourn now, say they, because you have adjourned this day fortnight.—To what extent, I ask, is it determined to carry this argument? Is there, my lords, one solitary ground on which stands the propriety of the adjournment proposed this night, that will not, in every subsequent instance, be equally conclusive for adjournment to succeed adjournment? Is this House prepared to accede to such doctrine? and upon grounds so derogatory to its character and interests to abdicate its most sacred and important functions? The noble lords opposite unquestionably admit that there exists in the estates of the realm the power to supply any deficiency in the exercise of the royal functions, yet in the same voice they ask you to disregard the right. They ask you by adopting the course they recommend, to convince the country that what libellers on the constitution have dared to propagate is true in fact—to be yourselves the strong examples, that the wisdom, integrity, power, and influence of parliament are but empty sounds—that the salutary and controuling power of the two deliberative branches of the legislature has degenerated into a mere shadow—that all constitutional spirit and vitality is banished from amongst us, and that the whole power of government is centered in a dozen of cabinet ministers, who exercise the executive functions unfettered by the decisions of your lordships and of the other estates of the realm, and, as it now appears, independent even of the will or sanction of your Sovereign.

Such having been my feelings upon that part of the subject, it was with reluctance that I gave my acquiescence to the motion for adjournment on the former occasion—to do so this night, my conscience tells me would be a base and criminal dereliction of my duty. But, my lords, the ministers deceive you when they tell you that you are this night to decide upon this motion under the same circumstances, under which you, on the late occasion, acceded to the last adjournment. This is the main point of the argument of the noble lord who has now proposed a similar course. But I deny its propriety; I contend that the cases are materially different, inasmuch as we are now, however indirectly and irregularly, in possession of that of which we were then uninformed, namely, the incapacity of the Sovereign to meet or communicate with his parliament. It is true that an individual in this House, most deservedly high in station and talents, did in the former instance, as a witness from there port of others, convey something relative to the improved state of his Majesty's health; but not in such a way, as, upon any principle of law or of the constitution, could be considered by your lordships a conclusive evidence upon which to found any ulterior proceeding. I argued then as I argue now, and there was at that time no objection made, that before this House could proceed to do any one act, assembled as it was under such afflicting circumstances, it must have in a parliamentary shape established the personal incapacity of the King. How stand we at this moment? The noble lord opposite says, we are now arrived at the fact upon which we are at liberty to exercise our discretion. I deny it. We are in possession of no fact by means which your lordships can constitutionally recognize. But then we are in possession of information, imparted to us by the examination of his Majesty's physicians by the privy council. The privy council, how convened? Convened, my lords, without the sanction, the consent, the knowledge, the summons of the King. If such doctrine as this is to be tolerated in this House, I must say that your lordships would afford your sanction to principles most hostile to those upon which the monarchy stand, and which, though not republican, lead at once to the establishment of the most odious and detestable form of aristocracy. In the states of the realm, and in them alone, is fixed the power; and even they cannot stir a step, much less abdicate their functions, until they shall have established parliamentarily on their own journals, the existence of the monarch's incapacity. Until that point is ascertained you have no discretion to exercise. Without it you have neither right nor power to act at all —You are fettered by the authority of every law, and the influence of every constitutional principle.

But granting that your lordships are at liberty to exercise your discretion in the absence of that necessary fact, consider the situation in which you stand. The noble lord calls upon you to exercise your discretion without examining into those circumstances, without a knowledge of which it is impossible for your lordships to have or to exert any discretion at all. But they tell us that there exists two material reasons for concurring in their present proposition, first, that there has taken place since the commencement of the King's illness, a material amendment in his disorder; and secondly, that it has not been of a long duration, as it was when the states of the realm before proceeded to supply the deficiency in the exercise of the kingly functions. Of these two facts, so confidently depended upon by the noble lords, I deny that this House possesses any legal or constitutional knowledge. I say, that the privy council which ventured to make such a communication to the country, or to put questions concerning the capacity or incapacity of their Sovereign, or his probable amendment, have exceeded all their due powers, and usurped an authority which did not belong to them. They have done so in the teeth of the precedent of 1789. When I first heard that such questions had been put, I was struck with wonder as to the motives which could have induced them to pursue such a course. I confess, my lords, I did then little expect that it was intended, as I now see it was thus clandestinely and surreptitiously to beg a ground for this proceeding. But at all events I am convinced, that these are points which for this House to know, it must itself examine. It is a course upheld by every analogy of reasoning and of law, not to pass judgment upon facts without yourselves having examined into the nature of the evidence upon which they rest. But even, for the sake of argument, admitting that the reported information were duly before the House, let every man, my lords, who refers to it, lay his hand upon his heart, and state the judgment, which upon such grounds, he can form. God knows, there is not amongst the affectionate subjects of my Sovereign an individual who more unfeignedly sympathizes in his sufferings, or would more sincerely rejoice in his restoration; but I must say, of the report that has been read, that there is nothing positive or conclusive in the terms of the questions either as they were asked or answered. The introduction of the word "amendment" is merely relative. You are not told of any amendment within any specified or probable time. There is not, my lords, within this kingdom, to be found an ordinary magistrate, who in the most trifling case would act upon information in such manner communicated, without first ascertaining the fact so certified upon full and proper grounds of evidence. But even though it were true and positive that the fact is as stated in this report, it has not been ascertained by your lordships, but by a privy council, whose very principles of action are in contradiction to the spirit and principles of the constitution. What if it should also appear to be the case that such council studiously confined themselves to a partial examination! Not such was the course pursued by those, who advised the proceedings of the year 1789. At that period a reference was made to the privy council, for the purpose only of obtaining the most formal and authentic statement of the fact; to this point their power was limited, and they of course proceeded to make their report without further examination. But at this day we behold an authority limited by law, exceeding every power and every privilege attaching to them, and the unjustifiable excess of such authority subsequently made the ground by ministers for the concurrence of parliament in their present unconstitutional proposition. Let me ask, of what value with your lordships can the report of that body be which ventures to put itself in a state of power and sovereignty above your monarch?

Here I must beg leave to say one word to the noble earl (Liverpool) opposite, in reference to the observations which fell from him respecting the principles and presumed intentions of that great man, who directed the measures proposed by the servants of the crown in the year 1789. It does so happen, by the decrees of Providence, that of all those distinguished persons who sat in the cabinet of that day, there is left in this world but one individual remaining to defend their measures and explain their motives. I believe there is no man now in existence more capable of stating the principles that governed my illustrious departed friend (Mr. Pitt,) the motives by which he was actuated, or the great and important objects to which his exertions were directed. If I were willing to take advantage of the knowledge which I must have of all the circumstances of that period, I might strengthen, even by such examples, the course I now am bound to pursue; but, my lords, when I feel it right to abstain from such a line of conduct, it is hard that those not in possession of such knowledge, should now form and communicate opinions on the events of that day, not founded upon the public proceedings of the period, but upon supposed intentions. During the discussions of that period, there never was a word insinuated to convey any idea that the report of the privy council was sufficient to enable the states of the realm to form a judgment.

I know that no fair inference can be drawn from unauthenticated records of the proceedings of parliament. I am sure it would be as unfair to decide from such documents, what were the observations of members in the debates of those days, as your lordships would feel it to have your own statements this night judged from the newspapers of to-morrow. I make no invidious comment upon such publications, because I can attribute such effects to the impediments which your lordships, yourselves, have thrown in their way, combined with the difficulties inherent in the thing itself. But even in what has appeared upon the proceedings of that period, there is not a trace of any such course having been even insinuated. Considering the constituent parts of which that council is composed, it could not be. Those who are honoured with a seat in that body, are called, upon their oath, to advise the King, when he shall think fit to ask for their advice. They are invested with the exercise of certain authorities, both limited and defined. In what part of their commission, of their oath or their authority is it, I ask, inserted, that they shall keep watch and ward over the King's mental capacity, or that in place of their doing that alone, which ought to be but a preliminary step on their part for laying the foundations of our own proceedings, they shall arrogate the power of proceeding into the examination of the melancholy details of such an important question? This, my lords, is the sole duty of the states of this realm—it is a duty impossible for your lordships to delegate to others. It is one, which you yourselves hold only by delegation, being a body fully and freely though hereditarily representing the states of this realm. In the situation in which you now stand, the question is not, whether you shall determine one way or the other; your first, your only duty is to take that indispensable step upon which your future inquiry must rest. And most justly has it therefore been stated by my noble friend (earl Moira) when * he observed that, even were he friendly to the proposed adjournment, it was still impossible for him, consistently with his sense of duty, to accede to it, until the fact stated in that report was ascertained by yourselves and recorded on your own journals. Even, my lords, if that extraordinary doctrine were true, that in the cabinet were centered all the power and influence and importance of the executive functions, before we can do homage to those new created Kings—before we set aside the lawful monarch, and prepare to submit to the exercise of his royal functions by his servants, this inquiry to be made by your lordships is absolutely necessary.

I am, my lords, at present unwilling to go into the question, whether in the establishment of these facts you ought to adjourn or not. Upon this point, I entertain my own opinion. That opinion it is unnecessary now to communicate, because I have already stated to you the grounds of my opposition to the present motion of the noble lord opposite, and should be sorry to rest it upon any other. There are however some incidental topics, upon which I am anxious to say a few words. It has been hinted, that this night a noble earl (Westmoreland) has advanced an opinion, that the lord chancellor would have been justified in affixing the great seal to a royal instrument without the sign manual of the King.

The Earl of *Westmoreland* rose to order, and said the noble baron was misinformed.

Lord *Grenville* resumed. The noble earl has called me to order without convicting me of a breach of it. He has told me that I was misinformed as to what he did say; but he did not think proper to acquaint me with what he really did state on that subject.

The Earl of *Westmoreland* observed that he had only said that ministers could have availed themselves of such a pretence, founded upon precedent; but that they very properly did not.

Lord *Grenville.* The noble earl then arrogates for himself and colleagues that they had under no pretence violated the constitution. It was with heartfelt pleasure that I heard the noble and learned lord (Eldon) at our last meeting in so constitutional and manly a manner disavow such doctrine, a satisfaction, I assure him, not diminished by the attempt of others to give sanction to so monstrous a proposition. My lords, amidst all the contending divisions and acrimonious discussions which attended the agitation of this awful question in 1789, I never heard it imputed to any man, of whatever party, that it was his object to set his King aside, or that the crown, the lawful possession of the living monarch, was or ought, to devolve upon any other person (hear, hear!) I ever understood it to be an essential principle of the British constitution that the throne is always full and never vacant, and that, when a calamitous and afflicting emergency renders it necessary to supply any deficiency in the exercise of the kingly functions, the consideration is, and must be in what manner that defect is to be supplied—by the appointment of a regency with sovereign powers to be exercised in the King's own name, in his behalf, in trust for him, the rightful possessor. I have judged it necessary to say thus much, as due to myself—to those with whom I then differed, even if that difference now continued—but much more due to them now, that I am acquainted with the uprightness of their hearts, and the purity of their intentions. And above all I must add that it was most foreign from the mind of him (Mr. Pitt) whose name has this night been so often quoted, to consider the question in any other light. In his bold, able, and eloquent appeal, in which he laid down the basis of his measure, there was no idea of setting aside the King; but the intire and only question was to create a Regent, to act in the monarch's behalf during the suspension of his royal functions. Great and arduous, my lords, would be the alternative, if we were reduced to the painful necessity either of abandoning the country on the one hand, or on the other of setting aside the monarch. I advert to this part of the subject, because I feel that such imputations are calculated, should they find their way to the public, to create the most mischievous impressions abroad—Such as that, if we proceed to supply a deficiency in the exercise of the executive functions, we are going to set aside the King, and to appoint the person on whom the crown shall devolve. I contend, and ever shall contend that the crown inalienably belongs to the living monarch, and to him alone; but at the same time, I cannot conceal from myself that such improper impressions excited abroad have a direct tendency to shake the fundamental principles of the monarchy, and amongst others that most paramount principle of the constitution, that with the demise of the King alone his crown devolves upon his legitimate successor.

My lords, amongst other extraordinary principles advanced at this day, we hear it now openly asserted, that the suspension of the regal power does not produce a suspension of the executive government. I take this principle not obliquely. I desire to be informed, whether the monarchical branch of the constitution of this realm is of so little regard, its duties so trivial, as that it should be a matter of indifference whether it be competent to the exercise of its numerous functions or not: That it is merely an instrument whose commands and sanction are wholly unnecessary in the management of the political machine. Is this doctrine to which your lordships, the hereditary counsellors of the Sovereign, can give your assent? yet such is the undeniable inference to be deduced from the broad assertions of those ministers who tell you that under any circumstance of incapacity in the Sovereign, their authority as ministers remains fully in action.

A most valued friend of mine (lord Holland) designedly forbore from adverting to the particular events of the year 1789. I cannot on this point follow his example; and in recurring to those transactions, unless my memory deceives me much, the functions of the executive government were at that time considered by the servants of the crown, and were, in fact, suspended. Your lordships were then told by the lord president of the council, the illustrious father of the noble earl (Camden) who now holds the same situation, that this calamity had produced a complete suspension of all the functions of the executive government; and, he added, almost all the duties of the council where he presided; almost, he said, becasue they had other duties to perform not emanating from the crown, but from the parliament.—But as to this fact of suspension, I am much mistaken if there cannot be found in the Foreign Office a letter, signed by the marquis of Carmarthen, then secretary for foreign affairs, in answer to a public dispatch, wherein that nobleman states, that he could return no answer, being unable, from the King's illness, to take his royal pleasure upon that subject. After what we have heard lately upon this point, it is necessary, my lords, to be apprised to what extent its advocates suppose it can be carried. Are the functions of those created by the will of the Sovereign, all whose actions are regulated with reference to his will and sanction, to exist in full force at the very moment that these servants declare that their Sovereign cannot meet his parliament; that he can communicate with them when he is declared incapable to do so with the other estates of the legislature; that they, by fiction, can assume his pleasure and forge his directions; that they, his servants, may be wholly independent of him, their master? If this be their doctrine, I ask those disciples of this new government at what time it was in this country that this government was acknowledged? I presume that those who tell us, that because the King has once constituted them his ministers, therefore he has conferred upon them all rights, power and influence, are also prepared to contend for that doctrine more monstrous, if possible, namely, that to them belongs the care of his royal person. In 1788 two questions were comprehended in the consideration of his Majesty's servants; the first was the proper management of the executive government under such calamitous circumstances; the next was, I would call it, the care rather than the custody of his Majesty's person. My lords, when I first addressed you, I asked you whether in such an afflicting emergency, you were willing to turn your backs upon your country. I now call upon you to say, whether you are willing to turn your backs upon your monarch. (Hear, hear!) There is not, my lords, an individual amongst his Majesty's subjects, whom if it pleased providence to afflict with that most grievous of human calamities, which has its seat in the mind, to whom by the wisdom and the humanity of the laws, the King's protection would not be extended through the process of an appeal to the Court of Chancery. Surely then, I may ask your lordships to tell me whether, when his Majesty was pleased to appoint secretaries of state, and chancellors of the exchequer, he also gave to them the power of acting in such a calamitous emergency as has now fallen upon us? I see no such power expressed in their commissions; there is no such power, delegated by law; indeed it is no where to be found or traced, but in the assertions of those who claim this undue authority. My lord privy seal (earl Westmoreland) assures you, that the present ministers are the persons best fitted for the government of the country, and therefore he concludes that they should possess it, not under the crown, but without the crown. Another noble lord has likened the possession of power without the sanction of the executive to a ship that holds her course *sub impulsu remorum,* although the shoals and quicksands are in view. Really, my lords, a more unfortunate allusion than this I never heard. What! propose hopes of permanent safety, with the vessel of the state deprived of its steersman, amidst the horrors of the storm, its sails shattered, its mast gone by the board, and itself driven, as it were, by the contending elements upon those very rocks and shoals which the noble lord assumed only to be in prospect. It is not now, my lords, the time to enter upon a review of all those acts of ministerial policy, to which the partisans of ministers are so fond of referring. When the proper day arrives, they shall be informed of them, unless, indeed, these king-ministers, in the assumption of royal power, take shelter under the well known maxim of law, that the king can do wrong. Your lordships will then be enabled to appreciate the merits of their policy in our commercial prosperity; in our financial resources. Then will you be called upon to pass judgment upon the propriety of suspending the duties of the executive government, for the purpose of propping up the financial credit of the country: An act, which I must ever pronounce, amounting to nothing else than an high crime and misdemeanour. My lords, cast your eyes about you, and duly consider the critical situation in which your country stands. See yourselves incapable to communicate legal directions to your generals, whether to improve victory or to retrieve disaster: Whether to pursue success, if success should fortunately be our lot, or to rescue our gallant army from aggravated sufferings, if defeat should be the melancholy consequence. In such a state of things, instead of confiding in the *impulsu re-*

morum, in place of hope and consolation, viewing the appalling dangers which surround the empire, and keepingup the figure of the noble lord, I exclaim,

> " Nonne vides, ut
> Nudum remigio latus,
> Et malus celeri sanctus Africo,
> Antennæque gemant; ac sine funibus
> Vix durare carinæ
> Possint imperiosius
> Æquor?"

The *Lord Chancellor* said he rose under considerable difficulties, for however other lord chancellors and persons of high authority had affixed the great seal to letters patent without the sanction of the royal signature, yet he did not think himself authorised to affix it to the commission without having the sign manual of his Majesty. If he had acted wrong, he wished their lordships to decide. He had acted unquestionably according to his conscience, and that told him he had acted as he ought. Their lordships would bear in their recollection that the monarchy was hereditary; that the king of this country was king in his infancy—his old age—in health and in sickness; and if they should transfer the exercise of the royal functions from him, they did away with his authority altogether. When his Majesty recovers he may, if it be his royal pleasure, appoint a Regency, with restrictions, or a lieutenant or any thing else, that would meet the emergency. In respect to what proceedings ought in the present instance to take place, all he could say was, that they lived in a country where monarchy had been known for centuries, where it had been always respected; and that this was not the time to treat it differently. It was a wise maxim of the constitution, that the monarchy never could be placed in such a state as to be declared incapable or inefficient; but a necessity such as the present, the constitution could not contemplate; yet the time at which they ought to act should not be left to caprice. God forbid (said the learned lord) that the privy council should have the right or the power of declaring the King incapable. It was a query with him, even what questions they had, a right to put this or that to the physicians. In 1788, the privy council committed themselves by the manner they entered into the examination. It was the opinion of lord Thurlow and lord Camden, at that time, that questions should be put to the physicians as to what was the nature of his Majesty's illness, and in what time they thought he would be perfectly recovered? To this last question the physicians, however, declined to give an opinion.

He expressed himself, on the last night he met their lordships, not in his own words, but in those of his Majesty's physicians. Suppose the privy council were to give it as their opinion that his Majesty was incapable of performing his high functions, when perhaps on this very night they might be told he was in a state of convalescence. What injury could be sustained by the report of the privy council being laid on their lordships table? He was confident they would make that use of it which it was intended for. He would not say that it would give them that information that ought to stop the important work their lordships wished to begin; but it would give them a ground to go on. The sole consideration now was, whether the House, with such information as the privy council took leave to submit to their lordships, should pause for a short period, or whether it should at once go into that important work in which they may be hereafter engaged. For himself he would state his opinion, that he would do nothing but what the evil of the day required. Their lordships had certainly the right of interposition, but it was to be recollected that it was the necessity of the case that gave them that right, and that the proper and the correct time of interposing, was of course of the very essence of that necessity. The noble lord felt most sensibly and sincerely that he would well deserve, as he would certainly receive, the reprobation of his Sovereign, in case of his restoration, if through personal regards for him he abandoned the interests of the country. Believing both identified on the present question, he concluded with conjuring the House, as it valued the feelings of the Sovereign and the interests of the country to accede, to the present proposed adjournment.

Lord *Erskine* spoke in answer to the noble and learned lord on the woolsack. He said, that it did not happen to him to be in parliament in the year 1788, when the question was first discussed; but it was his duty to turn his mind to the subject from the situation which he then filled; and he was not only attentive to what passed on the occasion, but had also formed his own fixed opinion on the subject. The noble and learned lord had alluded to the differences that took place in the opinions of the great men of that time, and certainly there never was any period of our history more distinguished by men of high talents; but though honest men might differ on the means of applying abstract questions, yet upon the whole, their differences were immaterial, and were more as to forms than as to principles. On the great maxim of the constitution, that the kingly office never dies, they were all agreed. The pains of death the King must suffer like every other human being, but the kingly office was immortal. And of this office there was no suspension; there could be no suspension, for all the faculties of the government emanated from it and depended upon it. In case of natural demise, the next heir instantly supplied the place; and, in a case, like the present, the states of the realm had to find the fact by which alone their jurisdiction took place. In the year 1788, their jurisdiction was delayed, because a difference of opinion arose as to the mode of proceeding; but nothing of the kind took place now. They were not interrupted in their proceeding:—There was no variance; and the only business they had to do was to establish the fact that was to give them jurisdiction. In the former instance they adjourned for four days, to obtain the information upon which they were to proceed.—Now it was proposed to adjourn for fourteen days for nothing. Till they had by their own examination found the King's personal incapacity, they had no power whatever to act. He would abstain from all allusion to what they would think fit to do when their jurisdiction should commence, but he could not agree by concurring in the motion that the functions of the executive should be suspended for seven weeks, which would actually happen, if the motion of adjournment should be agreed to. He denied the right of the two Houses to keep the country without a government for that time. A noble earl talked of setting the king aside. It was not that House or the other House of parliament by taking measures to supply the defect of the royal functions, but ministers who set the King aside; and they did it against all the analogies of the constitution; for nothing could be more outrageous against every principle of the constitution, than to take up the *ipse dixit* of the privy council, and to usurp the power of adjourning themselves from time to time. He said they had no power to adjourn themselves for one day.—He had thought so in the first instance, and he had consequently not voted for the adjournment to this day. A jury having a verdict to find could not adjourn till they had found it.—The noble and learned lord on the woolsack had not taken any notice of the real question before them; which was, That they should appoint a committee to examine the physicians, that they might satisfy themselves of the fact of the King's incapacity, and then they would entitle themselves to proceed to remedy the defect. Till they did this, every measure they took would be illegal.

Earl *Stanhope* said, that what the noble and learned lord on the woolsack had advanced, was entirely, he would not say intentionally, most gross and scandalous. The two Houses were in the present predicament declared by the Bill of Rights to be full and free representatives of all the states of the realm. And in that capacity alone could they act; nor could they do one act in that capacity more than the necessity of the case required. A parliament acted by the authority of the king. A convention acted by the authority of necessity—and the necessity must be proved. They could not act without first ascertaining the fact. They were like judge and jury in a court of law.—They could not decide without having the evidence upon the case before them. They could take no hearsay evidence—no *ipse dixit* from the noble and learned lord—no nor from the privy council, who had not themselves any right to take such examination. They knew nothing in that House of the King's incapacity but from the assertion of the learned lord, and from the report of this privy council. By what law did this privy council take upon themselves to declare the King's incapacity? Not by the common law, and he was sure he had read more law books than the Lord Chancellor, and therefore he would take upon himself to say that it was not by any statute that they had derived such a right.—The learned lord had ingeniously contrived to drive their lordships aside from the question, to which he had not spoken one word. He had chosen to talk about a regent. Had any one else spoken a word about a regent that day? That was not the business now before them. These blessed ministers of the King were anxious only to possess themselves of the whole power of the realm, and that at a time the most tremendous. The noble earl concluded with exhibiting a most striking picture of the present state of Europe, and of the dangers and confusion with which we are now threatened at home.

The Marquis of *Lansdown* in a most forcible manner animadverted on the argument of the Lord Chancellor, and said it was proposed to make them commit the crime of abandoning the country, while the executive government was totally suspended.

His Royal Highness the Duke of *Sussex* felt it his duty to explain the motive and the ground of the vote which he should give that night. He had on a former day voted for the adjournment to this day, because this was the day to which his Majesty had himself designed to prorogue the parliament. But now when it was further proposed to adjourn, he must declare that he should vote against it from considerations of duty and attention to his Majesty. They would, he was persuaded, believe that he was most sensibly affected by the melancholy situation of the public affairs; and that he most fervently prayed for his Majesty's speedy and perfect recovery. But he could not vote for an adjournment in circumstances so imminent, and particularly, because he desired to know who was to have the care of his Majesty's person?

The House then divided on the Amendment, Contents 56—Not-contents 88. They then divided on the main question, Contents 88—Not-contents 56. The House therefore adjourned to the 13th December.

List of the Majority.

Dukes
York
Cambridge
Beaufort
Marquises
Cornwallis
Bath
Abercorn
Hertford
Earls
Camden
Westmorland
Aylesford
Limerick
Chichester
Warwick
Sandwich
Harrowby
Glandore
Rochfort
Lindsey
Pomfret
Northampton
Aberdeen
Abergavenny
Selkirk
Mount Edgcumbe
Ross
Orford
Pembroke
Powlett
Graham
Egremont
Harcourt
Enniskillen
Liverpool
Bridgewater
Macclesfield
Strathmore
Winchelsea
Bathurst
Coventry
Powis
Viscounts
Carleton
Sidmouth
Cathcart
Sydney
Wicklow
Wentworth
Lake
Barons
Eldon
Wellesley
Kenyon
Rolle
Walsingham
Boston
Napier
Hood of Cathrington
Douglas of Lochlevin
Arden
Stewart of Garlies
Saltersford
Gambier
St. Helens
Verulam
Scarsdale
Mulgrave
Rivers
Sheffield
Wodehouse
Middleton
Heathfield
Rodney
Harewood
Eliot
Suffield
Montague
Bolton
Saltoun
Sinclair
Arch-Bishops
Canterbury
York
Bishops
Killala
Chester
Durham
Bangor
St. David's
Salisbury
Hereford
Carlisle
London

List of the Minority.

Dukes
Clarence
Sussex
Norfolk
Somerset
Bedford
St. Albans
Marquises
Lansdowne
Stafford
Headfort
Earls
Radnor
Rosslyn
Suffolk
Stanhope
Spencer
Ilchester
Cholmondeley
Essex
Grey
Grosvenor
Derby
Cowper
Fitzwilliam
St. Vincent
Hardwicke
Kingston
Lucan
Jersey
Peterborough
Charlemont
Viscount
Hereford
Barons
Hastings (E. of Moira)
Granard
Somers
Gwydir
Grenville
Spencer of Wormleighton (marq. of Blandford)
Ellenborough
Lauderdale
Ponsonby (E. of Besborough
Ponsonby of Imokilly
Keith
Carysfort
Erskine
Clifton (E. of Darnley)
Holland
Say and Sele
Dutton (M. of Douglas)
Butler, E. of Ormond
Bradford
Upper Ossory
Grantley
King
Hawke
Dawnay (V. Downe)
Thurlow

HOUSE OF COMMONS.

Thursday, November 29.

The House met again this day. Three members took the oaths and their seats; and on the motion of Mr. Leicester and Mr. Kenrick, new writs were issued for

Milbourne Port, in the room of lord Lewisham, called to the House of Peers, as earl of Dartmouth; and for Yarmouth, in the room of lord Valentia, who had accepted the Chiltern hundreds.

[KING'S ILLNESS—EXAMINATION OF HIS MAJESTY'S PHYSICIANS BEFORE THE PRIVY COUNCIL.] Mr. Secretary *Ryder* rose and addressed the House. They were now, he said, re-assembled under the same unhappy circumstances which prevailed at their last separation. The continuation of his Majesty's malady had rendered it impossible to take measures for opening the session, proroguing the parliament, or for transacting any other public business. In this state of things, his Majesty's ministers had assembled the privy council, and called the physicians in attendance upon his Majesty before that body to examine them with respect to the actual state of his Majesty's health—a copy of which Examination he now held in his hand. Having no means of communicating in any other way information equally authentic and accurate to the House, he begged leave, having the permission of the council for that purpose, to present this Report at the table, with a view to its being read by the clerk.

The *Speaker* apprehended, that if any member required that the question should be put, the report could not be received without this preliminary, though in many cases the silence of the House was taken as a presumption that there was no objection.

Mr. *Tierney* did not mean to oppose the reception of the report, though he thought it right that the question should be put upon it before it should be laid upon the table. It was not the custom of the House to receive any papers without the question being put, unless such as were moved for and ordered by the House, or such as were commanded to be laid before them by his Majesty; and however important this document might be, it was contrary to the dignity of the House to receive it without question, and he therefore proposed that the question should be put.

The *Speaker* admitted that the observations of the right hon. gent. were perfectly correct. He had been disposed to admit the present paper without a question, because, on consulting the journals of 1788, he could find no objection made to a similar proceeding.

The motion, "That this paper be now delivered in," was then put, and agreed *nem. con.* as was also a subsequent motion, That it be now read. It was then read by the clerk as follows;—

Copy of the EXAMINATION of the PHYSICIANS attending his MAJESTY; taken upon Oath, before the Lords of his Majesty's most honourable Privy Council, on the 28th and 29th November 1810.

At the Council Chamber, Whitehall, the 28th of November, 1810; present, the Lords of his Majesty's most honourable Privy Council.

Their lordships being met; and the physicians who have attended his Majesty during his present illness, attending the board,

DR. HENRY REVELL REYNOLDS

Was called in, and sworn; and examined as follows:

Question.—You are desired to acquaint this board, whether the state of his Majesty's health is such, as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—*A.* His Majesty is certainly incapable at present of attending his parliament, or transacting public business.

What are the hopes, you entertain, of his Majesty's recovery?—I have very confident hopes of his Majesty's ultimate recovery.

Do you found the opinion, given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder; or upon general experience in other cases of the same nature; or upon both?—Upon both.

Whether in that particular species of the disorder his Majesty has fallen into, it has been found from experience, that the greater number of persons so affected, have been cured?—Undoubtedly.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?—No; I cannot form any decisive opinion upon this subject: It varies in different persons; and the time has varied in his Majesty's former indispositions.

Whether, so far as experience enables you to judge of his Majesty's disorder, you think it more probable that his Majesty will, or will not recover, so as to render him capable of attending to public business?—I think it much more probable that his Majesty will recover. My expectations at present, are very confident of his Majesty's recovery. I speak this, however, with reference to the uncertainty that always attends medical predictions: With this reference, I should say, from what I see in his Majesty, that I have no doubt of it.

What degree of experience have you had yourself, in this particular species of disorder?—In above forty years practice as a physician, I have seen many instances of it.

Whether any amendment has already taken place in the course of his Majesty's disorder; and whether the appearance of such amendment continues at present?—His Majesty is certainly better; and I am not sure, that he was not full as well, if not better yesterday, and continues so this morning, than he has been since I had the honour to attend his Majesty in this illness.

Sir Henry Halford, Bart. called in and sworn; and examined as follows:

You are desired to acquaint this Board, whether the state of his Majesty's health is such, as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—I think it is such as to prevent his coming to parliament, or attending to public business.

What are the hopes you entertain of his Majesty's recovery?—I think it is in the highest degree probable, that his Majesty will recover.

Do you found the opinion given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder; or upon general experience in other cases of the same nature; or upon both?—Upon both.

Whether, in that particular species of the disorder his Majesty has fallen into, it has been found from experience, that the greater number of persons so affected, have been cured?—I believe so.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?—I cannot form a satisfactory conjecture.

Whether, so far as experience enables you to judge of his Majesty's disorder, you think it more probable that his Majesty will or will not recover, so as to render him capable of attending to public business?—Much more probable, that his Majesty will recover.

What degree of experience have you had yourself, in this particular species of disorder?—In the course of nineteen years, a good number of cases must have fallen under my cognizance.

Whether any amendment has already taken place, in the course of his Majesty's disorder; and whether the appearance of such amendment continues at present?—A very considerable amendment has taken place in his Majesty's symptoms. In the course of the last twenty four hours, his Majesty's mental health has improved; but in the same space, his Majesty has been more indisposed bodily; but I have just reason to believe, that I shall find that indisposition much mitigated on my return this evening.

Dr. William Heberden, called in and sworn; and examined as follows:

You are desired to acquaint this Board, whether the state of his Majesty's health is such, as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—I consider the state of his Majesty's health to be such, as to render him incapable of coming in person to his parliament, or attending to public business.

What are the hopes you entertain of his Majesty's recovery?—The greatest expectation of his Majesty's recovery.

Do you found the opinion, given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder; or upon general experience in other cases of the same nature; or upon both?—I found my opinion, upon the improvement that has already taken place in his indisposition; and the present integrity of his faculties; and the analogy this disorder bears to his former illness.

Whether, in that particular species of the disorder his Majesty has fallen into, it has been found, from experience, that the greater number of persons, so affected, have been cured?—I firmly believe, that it does appear, that the greater number of persons have been cured; but my own experience has not been great in that disorder.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?—I can form no judgment of the precise duration. In general, I should judge that the duration cannot be long.

Whether, so far as experience enables you to judge of his Majesty's disorder, you think it more probable that his Majesty will or will not recover, so as to render him capable of attending to public business?—I feel in my own mind no doubt that his Majesty will recover, and be capable of attending to public business.

What degree of experience have you had yourself, in this particular species of disorder?—Very little experience.

Whether any amendment has already taken place in the course of his Majesty's disorder; and whether the appearance of such amendment continues at present?—Considerable amendment has taken place in his Majesty's disorder, and the amendment still continues.

Dr. Robert Darling Willis, called in, and sworn; and examined as follows:

You are desired to acquaint this board, whether the state of his Majesty's health is such, as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—His Majesty is incapable at present, of coming to parliament, or attending to any public business.

What are the hopes you entertain of his Majesty's recovery?—I entertain very confident hopes of his Majesty's recovery.

Do you found the opinion, given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder; or upon general experience in other cases of the same nature; or upon both?—Upon both.

Whether, in that particular species of the disorder his Majesty has fallen into, it has been found from experience, that the greater number of persons so affected, have been cured?—I believe the greater number are cured.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?—I cannot.

Whether, so far as experience enables you to judge of his Majesty's disorder, you think it more probable that his Majesty will, or will not recover, so as to render him capable of attending to public business?—I think it more probable that his Majesty will be capable of attending to public business.

What degree of experience have you had yourself, in this particular species of disorder?—From my earliest infancy, I had opportunities of observing complaints of this nature, as long as I remained under my father's roof: During the last two and twenty years, I have seen a great variety of cases of this nature, in private practice.

Whether any amendment has already taken place in the course of his Majesty's disorder; and whether the appearance of such amendment continues?—A very considerable amendment has taken place in his Majesty's disorder, which continued when I left Windsor this morning.

A true copy, W. Fawkener.

At the Council Chamber Whitehall, the 29th of November 1810; Present, the Lords of his Majesty's most honourable Privy Council.

Their lordships being again met, and

Dr. Matthew Baillie,

Attending the Board, was called in and sworn; and examined as follows:

You are desired to acquaint this Board, whether the state of his Majesty's health is such, as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—I think his Majesty is, at present, incapable of coming to parliament, or of attending to any public business.

What are the hopes you entertain of his Majesty's recovery?—I think it highly probable that his Majesty will recover.

Do you found the opinion, given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder; or upon general experience in other cases of the same nature; or upon both?—I found the opinion which I delivered as an answer to the second question, upon the consideration of the symptoms of his Majesty; upon perceiving no failure in the faculties of his Majesty; upon the soundness of his Majesty's constitution; and upon the resemblance which his present illness has, to what I have heard of his Majesty's former illnesses of the same character.

Whether, in that particular species of the disorder his Majesty has fallen into, it has been found from experience, that the greater number of persons so affected have been cured?—I believe, that the greater number have recovered.

Can you form any judgment or probable conjecture, of the duration of his Majesty's illness?—I can form no idea of the duration of his Majesty's present indisposition. If one considers what has taken place in his Majesty's former illnesses, of the same kind, it is probable that it may not continue very long.

Whether, so far as experience enables you to judge of his Majesty's disorder, you think it more probable that his Majesty will, or will not recover, so as to render him capable of attending to public business?—I can perceive no failure of his Majesty's faculties; and therefore I presume, if his Majesty should recover, that he will recover with the same capacity for business, as before his present illness.

What degree of experience have you had yourself, in this particular species of disorder?—My experience has not been extensive. I have been in business for twenty years, and have occasionally seen patients affected with complaints of the same general character as that of his Majesty.

Whether any amendment has already taken place in the course of his Majesty's disorder; and whether the appearance of such amendment continues at present?—His Majesty is considerably better than he was ten days ago. He is certainly somewhat better than he was yesterday evening, and perhaps a shade better than yesterday morning.

A true copy, W. FAWKENER.

The report was then laid on the table.

The *Chancellor of the Exchequer*, the House having just heard the depositions of his Majesty's physicians read, felt it his duty to rise, for the purpose of suggesting to the consideration of the House the course of proceeding which he trusted they would agree with him in adopting. He was persuaded, that while the House must have received a melancholy impression from the unanimous concurrence of his Majesty's physicians, in answer to the first question that had been put to them, relative to the capacity of his Majesty "to come in person to his parliament, or to attend to public business," they must also have desired considerable consolation and satisfaction from the replies which had been made to the other questions proposed to those gentlemen. He was persuaded that it had afforded a high gratification to those who heard him, and that it would afford a high gratification to all his Majesty's loyal and affectionate subjects, to find that his Majesty's physicians concurred unanimously in opinion with respect to the great probability of his Majesty's recovery. However varied the language of these gentlemen appeared to be, their sentiments were nearly the same, With some shades of difference in point of strength in their expressions, they had all uniformly declared their confident expectation of his Majesty's recovery, some carrying that expectation to as great a degree of certainty as could be supposed to attach to any thing human and necessarily contingent.

The next point to the expectation thus joyfully held out of the recovery of his Majesty, a point of not less importance to the feelings and happiness of his Majesty's subjects, was the opinion of the physicians that there was a fair prospect of his Majesty's recovery in such a manner as would enable him safely to resume the direction of public business. On this part of the subject the House must have heard with peculiar pleasure the particular details of Dr. Heberden and Dr. Baillie. Dr. Heberden declared that he founded his expectations of his Majesty's recovery on "the present integrity of his Majesty's faculties;" and Dr. Baillie, "on a consideration of the symptoms of his Majesty's disorder, and perceiving no failure in the faculties of his Majesty, and on the soundness of his Majesty's constitution." The House and the country, therefore, had not only reason to indulge the pleasing expectation of his Majesty's recovery, but to be assured that notwithstanding the advanced period of his Majesty's life, and notwithstanding the circumstance of the present indisposition of his Majesty being the recurrence of a former one, his Majesty's physicians expressed in their statements an earnest confidence that his Majesty would recover in sufficient energy to discharge the high duties of his station, and that he would regain a sound constitution, and an unimpaired state of mind.

The next interesting point in the examination of the physicians to which the House would direct their attention, was the probable duration of his Majesty's illness. On this point the physicians had given their opinion with a caution and a reserve which might have been expected from persons of their high character upon such a subject, and which did credit to their testimony. They had stated themselves generally to be incapable of exactly determining. One said that he "could not form a satisfactory conjecture;" but however uncertain the period, it would be found by referring to the examinations of Drs. Heberden and Baillie, that those gentlemen were of opinion that from a consideration of what has taken place in his Majesty's former illness of the same kind it is probable that the duration of his Majesty's illness would not be long.

There was only another point which it was material to consider, namely, the progress which the House had a right to indulge in believing, and which indeed they were assured, his Majesty had already made towards amendment; a circumstance which must surely afford great consolation to the House, as the course they were to pursue may probably turn on that point—namely the present state of his Majesty's disorder, and what degree of amendment is to be expected.

To the questions which had been proposed to his Majesty's physicians on a former occasion, a new question had been added. It was some consolation to reflect, that it was a new question. It was some consolation to find that there was a present propriety in such a question. Unfortunately, at the period of the examination of his Majesty's physicians in 1788, no symptoms of abatement in his disorder justified the introduction of such a question, as that which had now been proposed. The manner in which it had been answered evinced its propriety and necessity. Dr. Reynolds declared "That his Majesty was certainly better, and that he was full as well, if not better, on the day before, and continued so that morning, than he had been since he had had the honour of attending him." Sir H. Halford was of opinion, "That a considerable amendment had taken place in his Majesty's health, in the course of the last twenty-four hours; that his Majesty's mental health had very much improved, although his bodily indisposition had somewhat increased, an indisposition, however, which he had reason to suppose, would be soon abated." Dr. Heberden declared, "That he thought his Majesty considerably amended." Dr. Willis the same. Dr. Baillie, examined the day after the other physicians, expressed his conviction "That his Majesty was considerably better than he was ten days ago; that he was somewhat better than yesterday evening, and a shade better than yesterday morning." Let this statement of Dr. Baillie's be compared with that made on the preceding day by Dr. Reynolds, "That up to the time of his examination his Majesty was as well if not better, than he had been since he had had the honour of attending him:" and from that comparison the House would derive the most pleasing assurance of his Majesty's actual and progressive amendment. With this information before them—with the moral certainty of his Majesty's recovery from his present indisposition—with the confident belief that that recovery would be attended by a complete restoration of the vigour of his Majesty's mind, and the soundness of his constitution—with the assurance that a considerable amendment had already taken place in his Majesty's health, although with an uncertainty as to the period when his complete convalescence might be expected—with all these feelings and impressions, the House had now to determine on the course which it would be most expedient for them to pursue. They had to determine whether it would be proper for them to take immediate steps to supply the existing deficiency in the exercise of the royal authority, or whether it would not be more expedient under the present circumstances, with a view also to give a facility to the speedy recovery of his Majesty, to pause and to allow a further interval, while an expectation, a hope, or even a chance appeared of the accomplishment within that interval of an event so desirable.

In proposing to the House these two questions for their serious consideration, he might be allowed to say, that their present situation was one of extreme calamity, and the more anxiously and deeply to be lamented, because they must all be aware that the House had only a choice of difficulties.—They had only an alternative of evil. It was for them however to alleviate as much as possible that evil by their discretion and wisdom. Under such circumstances, he did not presume to suppose that he could offer any proposition for their adoption that would be free from criticism or objection, but he did think, that on a view of the whole case, and with reference to those answers of the physicians to which he had begged leave to direct the attention of gentlemen, the House could not act in a way more consonant to their own feelings, and to the feelings of the country, than in the temperate exercise of their discretion, to allow a further interval, during which the expectation which had been fondly cherished might be happily realised. With this hope, and under these impressions, he should recommend another adjournment for fourteen days; feeling, that that might be a very important period, and that, during that period the accomplishment of the object for which the House and the country so ardently prayed, required that the subject should be agitated as little as possible in parliament. In stating to the House that it was desirable to afford as much time for the recovery of his Majesty as could be consistent with the public interest and the regularity of their proceedings, he was free to declare, however, that at the expiration of the period to which he recommended the House to adjourn, unless such an amendment should take place in his Majesty's health as to afford a reasonable hope of his speedy recovery, he should not consider it consistent with the public interest farther to delay taking parliamentary steps to supply the deficiency in the executive government.

Before he sat down, he must beg leave to advert to some objections which it was probable would be made to his proposition. He had been given to understand that it would be urged, that by adopting that proposition, the House would act in opposition to the precedent of 1788, and in dereliction of their duty. With respect to that part of the objection which related to precedent, he could not conceive that any man could so misapply or so misconstrue the precedent of 1788, as to suppose that it would be contradicted by the adoption of the present proposition. In 1788, the House proceeded to an investigation of their own, conceiving justly that they had no right to take any steps but on information which they had themselves obtained. Far would it be from him to propose a departure from such a precedent. Were he standing there to propose the commencement of a proceeding, the effect of which would be no less than for an interval (however he might hope to God short) to dethrone the Monarch, he should hold it impossible that the House could commence such a proceeding without an inquiry into the facts solemnly had and instituted by themselves. In the former case he thought the House had adopted the proper course: but then, it would be recollected, that the prospect of recovery was at that time comparatively faint in the extreme, and as to amendment, there was absolutely none. Now, however, there was a prospect even of a speedy recovery, and the amendment had commenced. Were the cases then, he should wish to ask, at all analogous? From an examination of that precedent, if it were properly looked at, it would appear that it afforded no ground for the House in the present circumstances to proceed immediately to an inquiry of its own. It was indeed in direct opposition to any such proceeding immediately; for though an inquiry by a Committee had been instituted—though the suspension of the royal functions had existed for three months, and though a Regency bill had actually passed the House of Commons, and reached a Committee in the House of Lords, yet when the Lord Chancellor, without any such authoritative document as that now on the table, stated on the 19th of February that an improvement had taken place in his Majesty's health, an adjournment was agreed to for five or six days: then a second adjournment was carried, and so the proceeding was suspended by successive adjournments up to the 9th of the succeeding month, when his Majesty was happily in a state to attend to public business. He did not mean to say—he wished to God he could—that the amendment which had taken place in this instance was equal to that which had been announced by lord Thurlow in 1789; but what he had said sufficiently proved according to his conception, that they could not be justly charged with having in this instance violated the principle of that precedent. When an adjournment then had been agreed to upon a mere informal statement, after a suspension of the royal functions for three or four months, it was in vain to say that the House was bound by that precedent or by the constitution to adopt any particular proceeding on this occasion. It was left completely at liberty to act according to its discretion, with a view to the interests of the public and the benefit of the sovereign. In the exercise then of the little discretion that belonged to himself, he felt it his duty to propose the course most likely in his humble apprehension to conduce to both, and concluded by moving, That the House do at its rising adjourn for fourteen days.

Mr. *Whitbread*, adverting to the anticipation of objections to his motion by the Chancellor of the Exchequer, observed, that he had heard before he came down to the House, that the right hon. gent. meant to propose an adjournment for a week, being only one-half the time which he now actually announced. But having learnt what steps had been taken by the privy council, and what information had been there given, he could hardly persuade himself to believe that the right hon. gent. really intended to move an adjournment for a week, far less for fourteen days, after the two adjournments which had already taken place. The report of the examination of the physicians had been delivered in; and, notwithstanding the precedent of 1788, he was glad that his right hon. friend (Mr. Tierney) had not suffered it to be laid on the table without the question being put upon it: for if there were some things in that precedent to be kept in view in order to be followed, there were others to be remembered for the purpose of being avoided. In the report he found it stated by the physicians that, after an interval of some weeks, his Majesty was incapable of meeting his parliament, or of transacting public business; and no period was fixed at which his recovery might with confidence be expected. In what situation then was the country, when, to use the memorable words of lord Camden, president of the council in 1788, "the whole functions of the executive power were suspended?" Twice had he (the Speaker) taken the chair without the ordinary authority? Why did the ministers give notice only to their friends that it was necessary to attend the House, though not called together in the usual manner for the dispatch of public business, whilst no notice, that he was aware of, was given to those who had generally been their political adversaries? The meeting of the House under such circumstances, could only be justified by the necessity resulting from the suspension of the royal functions. In 14 days from that period, the House being again assembled in considerable numbers, the right hon. gent. proposed to adjourn for another fortnight without taking any steps to supply the deficiency of the executive power. Against that delay he had protested, and the House having divided, against that delay he voted. The right hon. gent. had then just returned from Windsor, where he had seen the King's physicians, and reported, as had been also reported to the public, that his Majesty was in a state of progressive amendment; and upon this information he founded his motion. The right hon. gent. to his infinite surprise in that instance had used the same language; but he (Mr. Whitbread) having been then disappointed could not again be deceived. Happy as he was at that time in the hopes of his Majesty's speedy recovery, still he was of opinion that the House ought to have adjourned only from day to day. If his proposition had then been acted upon, he asked whether the House would now, at the end of 14 days, have been engaged in agitating the question, whether or not it should take the first step for the supply of an executive government? On that evening, at the very moment the right hon. gent. was speaking, and representing his Majesty as in a state of progressive amendment, it afterwards appeared that the King was actually worse! Were the bulletins true or false? If false, it was a base and unprincipled delusion on the public, if true, they were in direct contradiction to what had been stated in the House; for on Thursday when the right hon. gent. had given so favourable a report, and on the Friday following, the bulletins informed the public that his Majesty had had an increase of fever. The report now given in and laid on the table, contained questions, that ought not to have been asked; it stated however that his Majesty was better than he had been 10 days ago, which excluded the day on which the right hon. gent. had said that his Majesty was in a state of progressive amendment, so that his Majesty was worse, both before the time when the right hon. gent. had made this statement and after. His Majesty was better when the right hon. gent. was at Windsor, but worse both before and after that period.

In a time like the present, when the exercise of the royal functions was so essential to the interests of the country, he could not allow any farther adjournment to be carried without using his endeavours to have the physicians examined by a committee of the House. If the House had before adjourned only to the next day, as he had proposed, and had found that his Majesty became worse, that he had fallen into a state of greater mental derangement, could it then have resisted a motion for the examination of the physicians, by a committee of its own? He thought it impossible. He had a proper feeling of delicacy for the King, but he entertained also a just sense of delicacy towards the people and the constitution. As to personal delicacy for the Sovereign, that was a point very much misunderstood. His Majesty himself, he had no doubt, would be the first to scorn and reprobate any personal delicacy, if shewn to him at the expence of bringing the kingly office which he had held with so much advantage and satisfaction to his subjects, into disrepute and contempt. What he must ask, was the meaning of the words of lord Camden, "That the whole functions of the executive government were suspended?" What could be done in the actual situation of affairs? What sentence could be executed? Was there now any fountain of mercy? Could a miserable culprit be pardoned? Could a general be appointed? Could reinforcements be sent to lord Wellington if that should be requisite? Who was to perform these functions? Could they (the ministers) do all this; they, who possessed a power to which they had no more right than any other individuals? If they could, then they were regents. You, (said Mr. Whitbread) talk of dethroning the King, a most improper and absurd expression—but you, yourselves, do worse, for you take the crown from the constitution. Had the right hon. gent. a greater right to call the privy council together than any other member of that body? The necessity justified that measure, but if the period of the existence of such a necessity was improperly prolonged, the justification was gone. Let the House consider the time at which the whole executive functions were suspended, a time when a week had to carry a load of events before borne by centuries! If a military commander abroad should be wanted—if it should be requisite to appoint one at home, how was the deficiency to be supplied? If they (the ministers) were to abuse the authority which they now assumed, so as to call for the animadversion of the House, to whom could the Commons go with their address? Did they (the ministers) propose any remedy for all this? No, the House was misled by false impressions as to the state of the King's health, and even since the examination of the physicians it appeared that his Majesty had had but an indifferent night. Yet another fortnight was to elapse before any steps were to be taken to find a substitute! Were they to be frightened from performing their duty to the public, by being told that by taking measures to supply the executive they would be dethroning the King? Who ever proposed to dethrone the King? When in the reigns of George the first and George the second, regencies were appointed to administer the government in their name in their absence—when in the year 1788, a regent was to be chosen during the King's incapacity, the power being to be delivered back again to his Majesty, the moment he became capable of managing it—were these proceedings considered as a dethronement of the King? And were they now to be told, that they were dethroning his Majesty; and threatened with words and imputations like these, in order to prevent their taking that course which the occasion demanded. No, Sir, (continued Mr. Mr. Whitbread), we do not propose to dethrone the Monarch; but they are endeavouring to divide the crown from the constitution, and whoever votes with them in such an attempt, will do that which tends directly to the destruction of the constitution. Was this then our constitution which formed the wonder and admiration of the world? Was it now to be proved, that when the Sovereign was incapacitated by any malady, as long as he was likely to get well, so long the government could go on without any King at all? Let the House mark the progress of this doctrine.

In the year 1788, the novelty of the case formed an apology for some things, which in looking back to the history of that period, it might appear better not to have done. But did any unnecessary delay take place in taking the proper steps? No, though much time was protracted in debate, the whole bent of both Houses was for the supply of the deficiency up to the time when lord Thurlow reported to the House of Lords, not that the King was better, but that he was in a state of convalescence. Up to that time measures were in progress to constitute a substitute for the incapacitated Monarch. Now, however, they were called upon to lie on their oars and do nothing; and that, too, out of delicacy to the King! Why, if the King deserved, as he was convinced he did, the respect and affection which his subjects entertained for him, he would be more hurt at the neglect and contempt of the Kingly office and of the constitution, than pleased at any delicacy shewn to his own personal feelings. The right hon. gent. even deprecated the agitation of the question, for fear of increasing his Majesty's malady; but the subject was long debated in 1788, during a period of three months, and yet amidst all that discussion the King had got well. At the period of 1788-9, the person who filled the situation now held by the right hon. gent.—a person to whom he was politically opposed, but whom he wished to speak of with respect, whatever he thought of many of his doctrines, had the confidence of the nation; and the country thought, that the powers of the government (he spoke historically), could not, under the circumstances, be lodged in better hands. Did he (the Chancellor of the Exchequer) and his colleagues then flatter themselves that they could occupy such a large space in the public mind? Could they be permitted to go on as Mr. Pitt had done? In 1789, when the King recovered, it was most unfortunate that some remedy had not been provided against the recurrence of a similar calamity; a calamity to which all mankind were subject, and from which even kings were not exempt. Provision ought then to have been made for such an exigency as this. In 1801 and 1805, he had to answer for his share of negligence in this respect, and for this he blamed himself, though at the former period not an old member of parliament. But out of delicacy to the King personally, instead of feeling for the Kingly office, he had suffered that occasion to pass.

In 1788-9, the measure for supplying the deficiency was only abandoned when his Majesty was accessible to all his subjects, and in full vigour of mind and body immediately after his illness; when he went about, shewing himself to his loyal and affectionate people, and when the anxiety of the public mind was quieted by the solemn offering up of thanks in the metropolitan cathedral of this kingdom for his recovery, on which occasion his Majesty in person attended. In 1801 and 1805, he was more or less accessible, though during the latter period the defect in his Majesty's eye-sight ought to have directed the attention of ministers to the proper measures of preparation for a state of things like the present. Now, however, his Majesty was inaccessible, and it was only from other persons that ministers had their information on the subject of the King's malady. Even though his Majesty should recover, it ought to be considered that it was the recovery of a man very far advanced in years; and of a man (speaking of him as a man) who must be much more in the power of others than before. The defect in his Majesty's sight, too, had been stated by his Majesty's ministers themselves as a reason for refusing access to him on many important occasions. Let the House then only duly consider the present situation of affairs, and afterwards let him, who could do it, vote for the adjournment—no steps being taken to supply the deficiency of an executive government. For his part he was not able to conceive, that the right hon. gent. could succeed in his motion. After what they had before seen, after they had ascertained that, on the very day when the right hon. gent. had in so extraordinary a way told them of the progressive amendment of the King, his Majesty had in reality become worse, he trusted they would not now vote for this adjournment upon a similar statement. He at least would vote against it. He thought the House ought to lose no time in examining the physicians by a committee of its own, and then, if it should be necessary, and God grant, he said, that it may not, proceed to take the proper measures to supply the country with an executive government. Even though it should not be necessary to put the measure in execution at present, still they ought to be prepared for the worst; they ought to have a remedy ready in case of any future suspension of the royal functions. Even if his Majesty should be restored, and be able to encounter all the accumulated business which perhaps might occasion a relapse, still they ought to be provided with some mode of supplying an executive authority, to which they themselves and posterity might refer on the occurrence of a similar calamity. Thus, (concluded Mr. Whitbread), I have taken the liberty to submit, with the utmost sincerity, my views to the House, on this most important subject, feeling with all proper delicacy for the King personally, but feeling more strongly for the kingly office, the country and the constitution.

Mr. *Yorke* was convinced, that every member of that House was equally actuated by a strong feeling of loyalty to the King, and a firm regard to the principles and integrity of the constitution. Whatever difference of opinion might exist respecting the course, which it would be proper for the House to pursue, on these points he was certain they were all agreed. For his own part, he must observe, that, according to his view of the question, however the House may decide as to what it was fit to do, under the present circumstances, they were bound to regulate themselves by a consideration of what was due to his Majesty personally, as well as what was due to the safety and welfare of the country. In fact, these considerations were one and the same, inasmuch as the same duty that enjoined them to attend to the feelings and interests of his Majesty was equally binding on them with regard to the security of the country. They could not violate or neglect the duty they owed their Sovereign, without at the same time violating or neglecting their duty to their country; nor, on the other hand, violate or neglect the duty they owed their country, without being guilty of a breach or neglect of their duty to their Sovereign. He was perfectly ready to admit, that the situation in which the House was unfortunately placed was, no doubt, difficult and embarrassing; and he was confident that in such a situation every man would feel a just consideration for those who may differ from him in opinion, and look without suspicion or prejudice to the line of conduct they may feel themselves bound to pursue. One great principle of action with the House on this occasion should be, that, as their assembling was altogether anomalous, they should not proceed to any act which the necessity of the case did not call for. They were in duty bound to do whatever was necessary; but farther than that, they could not proceed with propriety. The hon. gent. who had just sat down, had, for the purpose of supporting his general argument, strongly stated the great public inconveniencies under which the country at present laboured. That the country unfortunately laboured under these inconveniencies there could be no doubt; but the question to be considered in that instance really was, whether the inconveniencies to which the country would be exposed, if that hon. gent. could persuade the House to adopt the course he recommended, would not be much greater? His right hon. friend had truly stated, that the House had but a balance of difficulties. But the hon. gent. in his statement of the course that should be adopted appeared to have gone rather further than the precedent of 1788 would warrant. If the inconveniencies were such as to leave the House no option, but to proceed without any delay to take measures for supplying the deficiency in the executive, how, he would ask, could the parliament have been justified in 1788, in suffering three or four months to elapse, without completing such measures at the conclusion of even such a long period? It was perfectly true, that the year 1788 was a time of peace; and that the country was not then pressed by such momentous difficulties as at present, if unfortunately the King's illness should continue for the same length of time. But if the argument by reference to the precedent of 1788 were good at all, it would preclude that House from resorting to the course proposed by the hon. gentleman.

Without wishing at all to go at any length into a review of the inconveniencies on the other side, he might, he supposed be permitted to advert shortly to some of them. There was certainly no reason to apprehend that the illustrious person who would most likely be appointed Regent, would adopt any measures that would not be for the interest of the country; or that any rash or ill advised steps would be taken under his government: still that was possible. He could certainly conceive it possible that a Regent might be advised to take measures to overset the whole system of foreign and domestic policy, by which the present Sovereign had governed these realms. In such a case, he would ask any man whether such a change of system would not be an inconvenience? Would it, he would ask, be no inconvenience if the Regent were to be advised to change the whole system of foreign policy by which the affairs of this nation had been administered—to withdraw our army from the peninsula, and refuse all further support to Spain and Portugal? He had stated this possible case, only to shew, that the other side of the question had also its inconveniencies. But the hon. gent. appeared to him to have animadverted in stronger terms than they merited upon the situation in which his Majesty's servants were placed. That situation was such that they had nothing to consider but how they should best perform their painful duty; a situation from which they could not be relieved, until a sufficient authority should happily be re-established to continue, or dispense with their further services. Under such circumstances, then, it was absurd to suppose that any man in their situation would advise the House to do any thing but what the necessity of the case might require. As to what had been said by the hon. gent. respecting the change which took place subsequent to the statement of his right hon. friend previously to the last adjournment, which statement the hon. member seemed to insinuate had been made with a view to practise a deception on that House, his observations might have some weight, if his right hon. friend had in this instance grounded his motion of adjournment on his own personal examination of the King's physicians. But his right hon. friend proposed no such proceeding, his motion being founded upon a more authentic document; the report, upon oath, of the physicians made to the privy council. This report, he was confident, whatever opinion gentlemen might entertain as to what should be done by the House must have been heard with general satisfaction. It stated, no doubt, that his Majesty was at present incapable of coming in person to his parliament, or of attending to business; but also stated, that his restoration was confidently expected, as well as that a considerable amendment had already taken place. Upon the whole he was convinced that the report fully justified the proposition of his right hon. friend for an adjournment for a fortnight, though he was ready to admit, that, if his Majesty's health should not be considerably improved at the end of a fortnight, it would then be necessary to resort to measures for supplying the deficiency. He could not be persuaded, that the feelings of the House and of the country would not be inclined to allow some further time to relieve his Majesty in a state of recovery, from the anxiety which would result from the agitation of this question. He was certain that this short interval, that this fair play would be allowed to his Majesty, and that no measures would be taken which were not actually necessary.

Mr. *Ponsonby* contended that the right hon. the Chancellor of the Exchequer had, in the arguments he urged in support of the question of adjournment, steered completely clear of the actual question he proposed. That right hon. gent. had moved the House to adjourn for a fortnight, because his Majesty's physicians had reported that his Majesty's malady had undergone an amendment, and that they entertained a confident expectation of his Majesty's ultimate recovery. For his own part, he was rejoiced to say that there was a very high probability of his Majesty's ultimate recovery. But that was not the question. The question really was, whether that House was, in that instance, as fully informed on the subject of his Majesty's disease, as according to the principles of the constitution it ought; or whether they should take that sort of certificate which the report of the physicians amounted to, from false notions of delicacy, as the ground of adjourning for a fortnight. Upon this subject he should not hesitate to assert, in the presence of many eminent lawyers, that this document constituted no constitutional ground for adjourning. The privy council was a body unquestionably of great weight, of considerable dignity, and of high importance and authority upon several particular subjects. But there was, he should contend, no law, written or unwritten, which gave that body power to supply any defect in the third estate. The only authority the privy council possessed or could constitutionally exercise in such a case, was to inquire into the capacity or incapacity of the Sovereign, the wearer of the crown, to meet his parliament and to attend to the public business of his kingdom. If unfortunately upon such inquiry, it should appear that there existed not sufficient grounds of conviction as to the capacity, the privy council was then bound to present in an authentic document to the two other estates of the realm, the grounds upon which they ascertained the actual incapacity. There their duty ceased—no further were they authorised to proceed. Who, he would ask, had ever read in any book of authority upon the law or constitution of this country, that it was the duty of—that it was competent to the privy council to proceed to supply any deficiency in the third estate? If any gentleman thought so, he challenged him to name the work; or to shew that the privy council had any other powers than to inquire, and present the result of that inquiry in an authentic form to the two other estates, whose duty it would then become to satisfy themselves as to the fact, and to take such measures as the existing circumstances might demand. Now, upon what kind of evidence was it that, on the present occasion, they were required to rest satisfied as to the propriety of an adjournment for a fortnight? Certain questions had it appeared been submitted to his Majesty's physicians, some of which were improper to be asked at all; and some others, such as a proper feeling of delicacy should have prevented from having been inquired or examined into, in any detailed way before the privy council; and upon the answers given to these interrogatories that House was required to agree to the proposed adjournment.

But the right hon. gent. had argued, that the House was not called upon by his motion to institute any proceeding upon this ground. Did the right hon. gent. then call it no proceeding, that when one of the estates was known to be incapable of exercising its constitutional functions, the others, instead of discharging their duty by taking steps to provide for the deficiency, should consent to adjourn over for another fortnight? The duty the two remaining estates had to perform was, in his mind, of the highest consequence, and of paramount importance. The right hon. gent. who spoke last had alluded to the inconveniencies that might result from the immediate appointment of a Regent. That argument, however, was inapplicable with reference to the question under consideration. It was by no means his wish to recommend the immediate appointment of a Regent. But that he must observe was no part of the present question. What the House had upon this occasion to decide upon was, whether it would hand over to the privy council those functions which constitutionally belonged solely to itself. And upon this point he would contend, that if the House should now refuse to inquire, merely because the privy council had enquired, it would establish this principle, that the privy council had the right to supply any deficiency in the third estate, it would make that body the depository of its own legitimate authority —it would establish a tribunal unknown to the constitution and law of this country, by delegating in such a way to the privy council those powers which could alone belong to the two other branches of the legislature. Was that House then prepared to consent to such a surrender of its constitutional functions? Was it ready upon such a ground, and from false and absurd notions of delicacy towards his Majesty, to defer having recourse to those preliminary steps necessary to be taken before they could adopt those ulterior measures, which might be indispensable? And was the House to concur in this doctrine, and form a groundless apprehension that it might retard his Majesty's recovery or be indelicate towards the sovereign, to abstain from inquiry, when it could not be certain that, at the end of the proposed adjournment, from the continued indisposition of his Majesty, and the pressing emergency of affairs, it might not be compelled to precipitate these very preliminary steps which could now be taken deliberately, and that in a manner too of which they might hereafter find reason to repent? Could the right hon. gent. say, that his Majesty was any more apprised of the examination which had already taken place before the privy council than the remote inhabitant of the north pole? Would he say that he had thought it his duty to communicate that examination to the Sovereign? And how, he would ask, could the right hon. gent. consider it his duty to communicate any inquiry which might take place before a Committee of that House, any more than he had felt it necessary to communicate the inquiry before the privy council?

But the right hon. gent. had said, that on this occasion the House had only a choice of difficulties. Undoubtedly, the fact was so. Yet, under such circumstances, it must be obvious, that the greater evil ought to be avoided; and the lesser, if no other alternative could be resorted to, preferred. Did the right hon. gent. then suppose that the majority of the people of this country would think that that House had adopted the lesser evil, by an abandonment of its duty in agreeing to the adjournment, and avoided the greater, by declining to proceed with the examination, as a preliminary step towards ulterior proceedings? No person could feel greater or deeper regret and sorrow than he did for the domestic calamity with which his Majesty was afflicted, but still he could not be persuaded from any false idea of delicacy to agree to what he felt to be wrong. As to what the other right hon. gent. had said, as to the inconvenience that might result from the appointment of a Regent, in overturning the existing system, he did not mean to meddle with that question. He could not presume that the Regent could entertain such a design; neither could he presume, that, if his ministers should be so inclined, or so advise the Regent, the two Houses of parliament would allow him or his ministers to do what was wrong, or to adopt any measures calculated to injure the essential interests of the country. Yet the argument of the right hon. secretary proceeded upon an assumption that the Regent, that his ministers, and the two Houses of parliament, would be all equally ready to resort to such measures. The right hon. gent. had also spoken of the painful feelings resulting from the situation in which his Majesty's servants were unfortunately at present placed, and from which they could not be relieved till the functions of the executive were restored, and their resignations could be received. But was not their situation of their own choosing? Had they not shewn themselves extremely anxious to obtain these situations, and to retain them too? He really should have imagined, that the continuing in office for many years would have been the last thing to give these gentlemen pain, and that it was from their removal from office alone that they could have been capable of experiencing such a sensation. As however, they were so unpleasantly situated, he trusted the speedy recovery of his Majesty, or the adoption of measures for supplying of the executive power, would at no distant period relieve them from this distress. He could have wished that all allusion to such topics had been omitted, as their attention ought on this occasion to have been confined to the constitutional principle alone by which their conduct should be regulated: and in his opinion, all conveniences or inconveniences should give way to the constitutional course of proceeding, by which it was the duty of that House to provide for the deficiency of the royal functions.

It had been said, indeed, that because there was a probability of his Majesty's recovery, it did not become that House to take any measures for supplying the existing deficiency. He rejoiced to find by the report that there was a high probability of his Majesty's ultimate recovery: but he could not forbear to observe, that all the physicians who had expressed the most confident expectation of that recovery had also stated, that they could not form any definitive opinion, from the uncertainty of all medical prognostics, as to the probable time at which such recovery should take place. One of the physicians even had said, that he could not form a conjecture that would be satisfactory to his own mind upon the subject. With this certainty, then, of his Majesty's illness—with the uncertainty of the period of recovery—and with the knowledge of the very critical and alarming situation of the country, would the House abstain from making the preliminary inquiries, from false notions of delicacy towards his Majesty? The right hon. gent. had certainly admitted, that, if no considerable amendment should have taken place after the lapse of a fortnight, the urgency of public affairs would render it necessary to take measures for supplying the deficiency. But why this delay in taking by an immediate inquiry the necessary preliminary step with a view to such measures? It would certainly be disrespectful to the Sovereign and unconstitutional in that House to attempt to supply the executive without a previous inquiry into the state of his Majesty's health; and why therefore not proceed at once to make that enquiry when it could be made deliberately and fully? As to what had fallen from the right hon. gent. in a sort of menace respecting the dethronement of his Majesty by the appointment of a Regent to govern in his name, if there were any force in it, then all the measures which may have at any time been resorted to by parliament to supply the deficiencies occasioned by time or accident in the executive, must have amounted to a dethronement of the reigning Sovereign. Could the doctrine be endured for a moment, that in every instance, when, during the absence of a Sovereign of this country, its affairs were administered in his name by a regency, such Sovereign was thereby dethroned? Could any man suppose, that, in the case of an infant ascending the throne of these realms, the appointment of a regency to govern in his name, and in no other way could his government be administered, would be the dethronement of such infant Sovereign? The proposition was too monstrous and too frequently contradicted by the practice of this constitution to require any serious refutation. The right hon. gent. therefore, in threatening that House with an imputation of compassing the dethronement of the King, if it should proceed to take measures to supply the deficiency, which they all equally deplored, had only exposed his own ignorance of the history and practice of the British constitution. If, as the right hon. gent. had admitted, measures for establishing a Regency should be necessary, in case no amendment should take place in his Majesty's health in the next fortnight, why should he object to make those previous enquiries indispensably necessary to expedite such measures, especially as in the existing state of Europe no man could tell what pressing emergencies may arise within that period? He should avoid, on that occasion, all question as to who should be regent, though he did not think any doubt could be entertained as to the person; but he would state it as his opinion, that by the principles of the constitution the duty of supplying the defect of the executive, whilst it may please Providence to afflict his Majesty with his present malady, devolved upon the two Houses of Parliament, and upon them only. It would therefore be to desert their duty to their country and their King, not to take, by previous inquiry into the state of his Majesty's health, the proper course for providing for the lamentable deficiency in the royal functions. He could not have conceived it possible for the right hon. gent. to propose, under all the circumstances of the case, a longer adjournment than for a week, and that too not till a committee should be appointed to sit, notwithstanding the adjournment of the House for the purpose of making the necessary inquiries into the state of his Majesty's health, preparatory to those measures which it might be necessary to resort to on the meeting of the House. It was to his infinite surprise, however, that he found an interval of a fortnight proposed and without any idea of a committee. He was determined therefore to oppose the question of adjournment; but if he should fail, and the House should, contrary to what he conceived their duty to their Sovereign, and their country, resolve to adjourn for the fortnight, he should still propose the appointment of a committee, as the only regular mode that House could adopt for satisfying itself on the state of his Majesty's health, to inquire into the state thereof, and to report thereon to the House. He should likewise feel it his duty to divide the House on both these questions.

Sir *Francis Burdett,* agreeing as he did in most of the sentiments expressed by the right hon. gent. who had just sat down, but differing as he did from that right hon. gent. as to the right or the power of the two Houses of parliament to supply any deficiency in the executive, should not think that he had discharged his duty to his constituents, if he omitted to state the grounds of his concurrence in the former and of his disagreeing from the latter. He felt fully all the delicacy of the question; but from a sense of public duty, he must discuss the subject with impartiality towards the people. Whatever he might feel for the sufferings of the King, he could not be insensible to the perils of the country, which had now been for a month without an efficient executive. and was now proposed to be continued for a fortnight longer in the same state. It was to him a strange and embarrassing question, who were to supply any deficiency which might take place in the exercise of the functions of the crown. By the constitution of this country, a King was essential to its existence, but whilst impressed with that conviction he was at a loss how to make one. He knew of no precedent for such a case as the present but the great precedent of 1688: when James 2 by his arbitrary tyrannical measures had grossly violated the original contract with the people; when upon his abdication the throne became vacant; and when the right of filling that vacancy devolved upon the people. He could never allow that any House of Commons, still less a House of Commons collected together by such means as it was notorious that assembly was, could have any right to supply the deficiency in the functions of the crown. The right hon gent. (Mr. Ponsonby) had in his mind successfully shewn that the privy council had no right to the power it had assumed; and that what had been offered by the privy council to that House in the shape of a report was no ground for a parliamentary proceeding, and still less for a proposition to continue the country in the state of anarchy in which it had been for the last month. The evidence laid before the House upon which it was now called upon to act was not such as would be received in a court of law upon the most unimportant question. Without imputing blame to any of the parties to this examination, he must observe that a list of interrogatories might easily be so framed as to extract such answers as the inquirers desired. He did not mean to impeach the characters of the right hon. gentlemen as men: but he must observe that, as ministers and consequently interested persons, they or any others in their places were the last persons whose opinions should have weight with that House upon such subjects. Yet it was upon the flimsy document laid upon the table that these ministers called upon that House to grant the sovereignty of the country to them. (Hear, hear!) Now, if this were to be the case, he should be at a loss what reply to make to his constituents, if they should ask him, why that House after having repeatedly assembled had suffered these right hon. gentlemen to send them so often about their business. He, for his part, would never consent to grant them the sovereignty of the country; nor agree to any adjournment of that House except from day to day, without taking those measures to supply the deficiency, which ought to have been taken in the first instance.

The hon. gent. below him (Mr. Whitbread) had clearly shewn, from the practice of former times, that they were bound without further delay to take the necessary measures for supplying the existing deficiency of the royal functions. He had shewn too, that the country had a right to expect, that this deficiency should be speedily supplied, because, independent of the present calamitous illness of his Majesty, it had unfortunately so happened, that, from other causes, the people had been, for a very considerable time, deprived of all access to him—that they had not been allowed to approach the Sovereign with their petitions; that the right of petition had been rendered quite a farce; and that no man could in talking of that as a right in modern times preserve a grave or serious countenance. Besides, when he adverted to the advance of the King's age since the period of the precedent of 1788, so much relied upon, he should have been much surprised if the gentlemen below him could have agreed to the adjournment proposed.

But when it was broadly stated, that, according to the principles of the constitution, that and the other House of Parliament had the power to supply deficiencies in the executive, he felt considerable difficulty. He was at a loss as to the particular mode of supplying such deficiency. Yet whatever difficulty might be felt in this respect, he had no hesitation in saying, that they could not continue in their present alarming and perilous state for any time. All that had been said respecting delicacy, had to his mind been introduced most irregularly and unfairly, in order to influence the feelings and votes of members on the question in discussion. It was absurd to talk of delicacy upon great public occasions. Delicacy might well suit the conversation of a tea table; it might be very fit to be entertained towards the other sex: but in private life, when in ordinary transactions delicacy was talked of, it was only another name for roguery; and in state matters the law and the constitution of this country had broken in upon it. Every one knew that several great officers were required to be present at the lying in of the queen, a circumstance which in private families and the humbler walks of life, would be in the last degree indelicate. He hoped therefore he should never hear more of this delicacy. The law of England, contemplating only the abstract Sovereignty, knew nothing of the personal infirmities of the King. By the sound principles of the British constitution the crown and the King were perfectly distinct. By the laws of nature the King in person is subject to human infirmities, but in the language of the constitution the King never dies—the King can do no wrong—the King, that is the crown or kingly office, is free from all imperfections of human nature, and perpetual. If ever they were, in parliament to suffer themselves to be influenced by considerations derived from the personal infirmities of the King upon great questions of state, there would be an end of the constitution. The pretended precedent of 1788, on which so much stress was laid, appeared to him to afford them more a lesson of what ought to be avoided, than an example of what ought to be followed. It was a precedent without principle, and founded upon analogy without reason. Yet such as it was, the right hon. gentlemen opposite (the ministers) seemed only desirous of taking as much of it as a precedent, as suited themselves, and enabled them to keep their places; no doubt, from the pure and disinterested motives stated by the right hon. gent. who spoke third in this debate (Mr. Yorke)!

As to the question, so unnecessarily and improperly introduced into the discussion, respecting the person who should be appointed regent, he did not mean to meddle with it on that occasion. It was not for him to presume to dictate upon that point either to the portion of the nation composing that House or to the nation at large. Of this however there could be no doubt, that they could not go on longer in the ruinous state in which they had so long remained. Too much stress appeared to him to have been laid upon the precedent of 1788. If the measures then taken were even justified by the existing state of affairs, it must be obvious, that the same measures would not be justifiable at present under the total change of circumstances which had since taken place not only in the state of this country, but of the whole of Europe. Then we were at peace with all the world—now we were at war with nearly the whole world—at that time France was impotent, now France was nearly omnipotent—then our revenue exceeded our expenditure one million and a half—now our expenditure exceeded our revenue twenty millions—at the former period our public debt was under three hundred millions—now he might safely state it at eight hundred millions—then we had recently concluded an advantageous commercial treaty with France, now our commerce was nearly annihilated—then we had no depreciated paper currency, now the whole country was deluged with depreciated paper, and the precious metals had altogether vanished from circulation—all, in fine, was then quiet, peace, tranquillity and prosperity, free from internal difficulties or external dangers, now on the contrary they had only to look around them to witness the embarrassments that had accumulated at home, and the perils that were menacing us from abroad. Could they then, under such a frightful alteration of circumstances, dare to desert their duty by acceding to the present motion? could they dare to defer for fourteen days more, the measures necessary to save their falling country? could they dare, after a month's delay already, to agree to another fortnight's adjournment, during which they would be without a King, and he might almost say, without a constitution.

General *Mathew* never voted with more real satisfaction than on the former night against the Chancellor of the Exchequer. He could not take the simple assurance of any man, as to the state of health of his beloved Monarch; but much less could he take the assurance of an interested minister; more particularly one of the present weak and ideotic administration. (Cries of hear, and interruption.) Every man of consideration knew this to be true, and it was proved by the imbecility of every measure and act they had adopted. He appealed for the truth of what he advanced, to the feelings of the public and to the persons upon the treasury bench! Let any one look over the way at it, and they must see what kind of a thing it was. It was quite farcical that a great nation should be governed by such an administration. As to ability they had none; as to character they had none; as to respectability they had none; and as to the confidence of the people, they never had and never could expect it! They had only one Scots county member among them, and not one of them had landed, or indeed any other kind of property. There was no responsibility to be found among them; a parcel of second-rate lawyers and needy adventurers—(Cries of order)—of desperate ambition—(Cries of order, order)—not caring for the fate of the nation, if they could only contrive to keep their places? (Hear, hear)—if they could only contrive to retain their situations and the command of the public purse-strings! He perfectly agreed with an hon. baronet, his worthy friend, (the member for Westminster) that no such uncontrouled power as they now possessed should be left to them, especially in a crisis so pregnant with danger, and so ruinous in prospect. They ought never to have been trusted, and particularly at a time when the conqueror of Europe was watching an opportunity to pour his victorious legions on our shores. What was their management under these circumstances? They had drained the country of its defences. There were no men in England or Ireland to resist the enemy in any attempt to invade us, or to conquer him, if he should effect a landing, and the latter country was left completely at the mercy of our inveterate adversary: whilst four fifths of its population were paralised by their bigotry and intolerance. From the experience of a fortnight, they knew how to appreciate the Chancellor of the Exchequer's assertion, that the King's health had amended, and was in a state of progressive amendment. Either this was made in error, or wilfully to mislead the country, and to deceive the House of Commons. Knowing, as they did, that the third estate was wanting, and having no confidence in the assertion of ministers, he would vote, not only against the adjournment, but for the Prince of Wales being appointed regent, when the time came that he should be called to take upon him that office, with full regal power during the incapacity of his royal father, and no longer. He subscribed to the doctrine laid down in 1788 by Mr. Pitt, that the Prince had no more an inherent right to that station than any other Briton. But upon whom could their choice fall but on this excellent prince, who could thereby be raised to it by better means—the voice of his country, which well knew, that no one existed so able and likely to reconcile all jars, especially of Ireland, which looked to him with confidence to heal the injuries she had received from the mal-administration of the faction now over them. No man felt more keenly for the sufferings of his Sovereign than he did; but with all this, it was a source of happiness to him and to the country, to know that he had in his son so wise and experienced a Prince to supply for the present any defect that had arisen. He recommended to the House to follow the line of conduct pointed out by the constitution — to withdraw the power they enjoyed as speedily as possible from ministers, and to appoint the Prince of Wales to the regency, for which he was destined by the Almighty, from his situation and qualifications. On these grounds he should divide against the motion.

Lord *Milton* agreed with the hon. member who had just sat down, as to the vote he should give, but he was swayed in his opinion by different grounds from those stated by him. The hon. general seemed to rest his opinion on a desire to have ministers removed. This was not his reason for voting as he should this night vote. It was not the competency or incompetency of ministers that had any thing to do with the decision of this question, which was one of the utmost importance. The country in consequence of the suspension of the royal functions was placed in a state of republicanism—a state in which it ought not to be permitted to remain any longer. For in his opinion, founded on his best deliberation, he was decided that the form of government established by the British constitution was the fittest for the country; and he therefore called on the House to consider in what state they would leave the country if they consented to this adjournment. The right hon. the Chancellor of the Exchequer wished for another fortnight before he took any steps to repair their loss, which, however, he admitted, would then become a necessary measure. They did not know till now, how long, in the opinion of that right hon. gent. they could do without a monarch; but it now appeared, having passed one month, and being required to postpone all steps for another fortnight, that six weeks was the period for which they could dispense with that part of their constitutional government. Was this a fit way to treat the House?—Were they to be called on to meet there from fortnight to fortnight, and to do nothing? The right hon. gent. without following precedents, or taking decided measures, seemed to him to be steering a middle course, and trusting to all or any chances that might arise while he gained time. He seemed to be treating them with the chapter of accidents; and what was the paper on which he founded the proposition for another delay? It was not the report of the privy council, which even though it had been, it would have been an insufficient ground for them to act upon. They had administered oaths to the physicians, which they had no right to do, as they were merely a meeting of gentlemen, possessed of no such powers as they had assumed to themselves acting under the denomination of privy council. But were they (the House) to take those examinations for the rule of their action—examinations proceeding from a source unauthorised by and unknown to the constitution? The privy council had no such authority, and was not, like them, of coequal authority with the other estates of the realm. The hon. baronet (Sir F. Burdett) had, as it appeared to him, rather confounded matters, when he denied that it was the duty of the House to provide for any deficiency in the third estate. It was indeed true, that no written law could be shewn, saying, in such a case you shall do this. But the present was a case of high necessity, against which it never could be expected that laws could have been previously provided or devised. The hon. bart. reduced them to this dilemma—a King was wanted, but he did nor say how they were to supply one. On the other side, they seemed to think that they could do very well without a King altogether? At present they were in this situation—there was no King, and the kingly power was exercised by a set of gentlemen who had been chancellor of the exchequer, &c.—for he contended that when the source whence their appointments emanated had ceased, all their offices were at the same time suspended. On these grounds he was most decidedly hostile to the motion against which he should vote, and trusted that by its adoption the House would not put the country into the situation of being another fortnight without a King.

Sir *Thomas Turton* objected to the House of Commons acting upon the report of an examination which they had not heard—a report which, taken in the most extensive point of view, went only to state, that a great degree of probability existed of his Majesty's speedy recovery. The language made use of by a right hon. gent. on the opposite side of the House (Mr. Yorke) he thought was very unfit for such an occasion. He had called upon the House to "let his Majesty have fair play!" an expression which, in his mind, was highly improper on such a serious and solemn discussion. The mode of pressing an adjournment on this occasion he thought extremely precipitate—why were not the members of that House permitted to read the report themselves?—It was contrary to precedent, it was contrary to the general usage of parliament, to take a report into consideration the very day on which it was presented. He hoped the House would maturely consider whether they would themselves examine the King's physicians, or leave it to the discretion of ministers to act as they pleased. The House were, in his opinion, imperiously called on to examine the facts of his Majesty's illness, and, if necessary, to provide for the vacancy in the constitution occasioned by that illness. He concluded by entering his protest against the proposed adjournment. It was a measure which ought not be entertained in a period of such unexampled difficulty and danger.

Mr. *C. W. Wynn* stated that the first duty of the House was to hear by a committee of their own, the evidence as to the state in which his Majesty now was; and that they could not better discharge the sacred trust reposed in them by their constituents than by following such a course. No considerations of delicacy ought to induce them to depart from the line of conduct which they were thus imperiously called on to follow. It was much better for the House to examine by a committee into the state of their Sovereign, than to take their information at second hand. He certainly could never look upon the report of the privy council as authentic information, on which they could safely place reliance. The House would never allow any document to have equal weight in their estimation with what was consistent with their own knowledge. The present occasion differed materially from that of 1788, when an adjournment was proposed by Mr. Pitt. The House were not then told of the probability of an amendment, but they were positively assured on the ministerial responsibility of an actual convalescence. Mr. Pitt came to the House on the 20th of February, and they adjourned to the 24th, afterwards they adjourned to the 26th, again for other three days, and lastly till the 10th of the following month. The cases of 1801 and 1804 did not admit of the smallest application to the present. No communication was made to that House in 1801 of his Majesty's illness, and they were ignorant of the nature of his indisposition. In 1804, when the subject of his Majesty's illness was started in the House, they were assured by ministers that there was no necessary interruption of the royal functions. Here it would certainly have been usurpation had the House ventured to carry their enquiries farther; but the case is now totally different. They had on their Journals a statement from the right hon. the chancellor of the exchequer that his Majesty was at present incapable of exercising the royal duties. What a difference too, between the present period and 1788. The nation was then in a state of peace, and Mr. Pitt was at the head of the administration. The internal affairs of the nation were consequently the only objects of consideration; and our foreign policy was not calculated to inspire us with uneasiness; but how different the present state of the nation, where a single step might be productive of important consequences to our most essential interests. Should any unforeseen accident happen to lord Wellington in Portugal, no assistance could be sent to him. Could any money be drawn from the exchequer, though circumstances might render a supply of money of the most indispensible necessity? Could the privy seal be affixed to the most necessary deed? Or could the sign manual be in any case procured? All that was asked, was, that the House might be put in a situation from which they might be enabled to decide on the ulterior steps that ought to be taken. He could not see what difference it could make with regard to the effect on the feelings of his Majesty, whether the examination took place before the privy council or before the House. No answer had been given to the question, as to the time in which the recovery of his Majesty may be expected. He rejoiced as much as any man, at the probability of that recovery; but as it was impossible to look to any given period for such an event, he could not give his assent to an adjournment.

Mr. *Bathurst* said, that, on a former evening, it had been stated by a right hon. gent. (alluding to Mr. Sheridan), that when a motion was on the point of being made for a committee of examination, it was abandoned on the sole and only ground of the public notoriety of his Majesty's improving health. In the present instance, they had no necessity to trust to such notoriety; they had before them documents, which held out the best hopes of a speedy recovery; there was, therefore, less necessity for such a proceeding. On the first night of adjournment, many gentlemen voted for that measure, who objected to it at present, on the ground that the moment the Sovereign was afflicted with illness, an examination of his physicians should take place; but the argument which they used on this occasion would equally apply to the former. In answer to what had fallen from an hon. baronet, he would observe, that the proceedings instituted in the year 1788, were founded on an acknowledged necessity for taking some steps to provide for the regal authority, in consequence of the report of his Majesty's physicians, who also agreed in the probability of an ultimate recovery, but did not speak of a progressive amendment—steps were then taken by the House, under circumstances new to it, and new to the regal power. It was at that time directed, that a provision should be made for the exercise of the kingly authority; but surely the same necessity did not exist at present, when the most flattering hopes were held out of a speedy recovery; and when, in a short time, such an amendment might take place, as would render unnecessary any proceeding which might be instituted. He was willing to give full credit to the statements of ministers: their high situation gave them an opportunity of procuring the most accurate information—and attached to them a responsibility which would render them tenacious of what they asserted. Next to a strict regard to their public duty, he thought they should study the feelings of the Sovereign—and he could not coincide with those who laughed at the idea of delicacy being used towards them. It was a question of prudence and propriety, whether the country should remain in the present state for a fortnight longer or an examination of his Majesty's physicians take place before a Committee of that House, with a view that proceedings be instituted thereon. For his part, he thought the former was the better mode of proceeding.—The paper laid on the table had, in his opinion, been very improperly termed "a report" it was no such thing—it was the copy of an examination taken before the privy council. On a former adjournment, the House had acted merely from the statement of the right hon. the Chancellor of the Exchequer; and would they now refuse the same proceeding, when the examination of the physicians was laid before them? In 1788 adjournments of the two Houses did take place, on the mere *ipse dixit* of lord Thurlow and Mr. Pitt—whether those adjournments were long or short was another question. Most assuredly the ground offered for the proceeding at present was greatly superior. The calamity which afflicted his Majesty at that period was of such a nature as rendered short adjournments necessary. Yet on the mere word of lord Thurlow stating the convalescence of his Majesty, the Regency bill, which having passed that House was in its progress through the House of Lords, was not completed. At the present time, there was no proceeding to be stopped—they were only called on to wait a few days, during which time the best hopes were entertained that his Majesty's health would be greatly improved. The examination of the physicians before the privy council could not have the power of binding the House; it was laid before the House; it was laid before them that they might act upon it as they thought expedient—and nothing could be more preposterous than to assert that it could have such an effect. It certainly was not, in the strict sense of the word, legal evidence: but it was the best which circumstances admitted, and in point of prudence warranted the proceeding which had been proposed.

An hon. baronet had stated, that the queries might be drawn up so artfully as to induce such answers as designing individuals wished; but the answer to that was, did any thing of that kind appear on the face of the documents? They certainly did not seem to be of such a description. Why should the House then exercise its inquisitorial power, where an absolute necessity did not appear, and where it might be the means of communicating pain? The hon. baronet (sir F. Burdett) had spoken of the delicacy which should be observed on this occasion, with considerable asperity; but notwithstanding what he had said, he (Mr. Bathurst) believed that such delicacy was a principle inherent in every good, honest, and loyal subject. When an examination of his Majesty's physicians took place on a former occasion, there was a necessity for it; but it did not strike him that that was a reason why they should go into a variety of minute questions at present, when the same necessity did not exist, and when examination might be fraught with the most serious inconvenience. The delicacy which had been spoken of did not apply merely to the person of his Majesty, but to his high office; that delicacy ought to obviate those discussions which perchance might have the tendency, if they reached the royal ear, of retarding his resumption of that office which he had so long and so uprightly filled; and the nearer his Majesty approached to convalescence, the more likely was he to hear those proceedings. He was averse to an adjournment from day to day, as it would have the appearance of watching, and would, very probable, have an injurious effect on his

Majesty's recovery. He acknowledged that they were in a critical state, and that some of the information relative to his Majesty had been exaggerated; but that did not convince him of the necessity of the proposed examination.—It was not possible to foresee the exact period of the King's recovery, but he thought the time offered to their consideration in the Chancellor of the Exchequer's motion, was such as would give them a fair opportunity of forming their minds on the subject; he would therefore vote for the proposed adjournment.

Mr. *Adam* was as anxious as any member of that House for his Majesty's recovery, and could wish, if possible, that every principle of delicacy should be observed in the steps that they might take. He was persuaded, however, that no delicacy ought to stand in the way of the exercise of those sacred duties which as members of parliament they had to perform. He wished to explain to the House the motives that formerly induced him to vote for an adjournment, and which, on the present occasion, induced him to give a different vote. When it was stated on a former occasion that the minister had seen the physicians, and that they had given confident hopes of a speedy recovery, it was not perhaps granting too much to allow a fortnight before they should determine upon entering on a question of so delicate a nature. It was very different however, when two fortnights were asked. The vote in 1788 was perfectly different from that proposed on the present occasion. The House had then the distinct averments of lord Thurlow and Mr. Pitt, clothed with the most awful responsibility, and deriving weight from the grave and awful authority peculiar to lord Thurlow, to warrant them in their proceedings; but the situation in which the House now stood was very different. The privy council had been assembled as was done by Mr. Pitt in 1788; but the House had no responsibility to look to, and no evidence before them. The examination of the privy council was taken *aliunde*, not in the presence of the House. He maintained that it was contrary to the sound doctrine of parliament, and utterly impossible for that House to proceed to act on any evidence except evidence delivered in the House or in presence of those delegated from the House. The privy council was no doubt a respectable body, but the privy council was not parliament, and the evidence taken before it must be considered exactly in the same light as if taken before any other court. He asserted, therefore, that it was contrary to the duty of the House to proceed in any other way than by granting a commission in the way which had been proposed. Mr. Pitt thought fit on the Thursday to move for an adjournment to Monday; and on the Monday he moved for an examination into the state of his Majesty's health. Mr. Fox acceded to this measure as proper, and reasonable, although it proceeded from a person in political opposition to him, from a conviction that it was improper to proceed on evidence not taken before the House. When he (Mr. Adam) came to the House he imagined that an adjournment was in like manner to be proposed until Monday, and that then a Committee would be appointed, that the precedent of 1788 might be followed as nearly as possible, in order to enquire into the state of his Majesty's health. In such a case he could have agreed to an adjournment. He did not mean to say that the examination before the privy council was conducted on false principles: nor would he assert that there was not much in the examination of 1788 which every body wished had not taken place; but it was necessary parliament should see with its own eyes. Considerations of delicacy ought not to stand in the way of truth. He was perfectly aware of the defects of that House in many respects; but it was proper to consider the House in all its aspects; and not alone to dwell on its defects. He could not therefore, consent to abandon parliamentary enquiry, because some gentlemen might think proper to ask improper questions. This was the due course to be followed. He would not take into his consideration at present what might take place in consequence of the Committee's report; it was only what should transpire from that Committee, that could put them in possession of the circumstances which might enable them to take the necessary measures. He paid a tribute to his Majesty's virtues. He stated that he was unwilling to take any step deviating in the least from complete precedent; and there was one such precedent in 1788, in which all members were agreed. He stated the difference between responsibility and examination before the privy council, which could only be considered in the light of a declaration of notoriety. He wished at present to avoid all questions of an ulterior nature, convinced as he was, that sufficient for the day is the evil thereof. On these and some other considerations, he voted against the adjournment.

Mr. *Wilberforce* said, that upon the whole view of the case, in all its bearings and circumstances, the balance in his mind was in favour of the adjournment. He could not but think that the legal habits of his hon. friend had led him to consider the question in too technical a sense. They were in the habit every day of acting upon similar grounds, nor had he heard, in all that had been said upon the subject, any positive substantial specific injury stated, as likely to result from an adjournment for a fortnight. He thought himself warranted therefore upon the whole, in voting for it. It was impossible to separate a respect for the person of the Sovereign from that abstract respect for the crown itself which every one was eager to profess. The people of this country loved their monarch, because they knew that he loved them, and because they experienced under his reign those benefits from which the world at large was excluded. Such considerations must create an attachment and a delicacy towards him, and long might such an attachment and delicacy exist. All the danger to be apprehended was lest delicacy should go too far, and therefore he was of opinion that his hon. friend was right in taking a precaution against his own excess of feeling. The entire of the objections against the adjournment, consisted in pushing principles too far. But it had been said, that the word of his Majesty's ministers should not be taken. There certainly was one sense in which their word was of more value, in such a case, than that of other people; they must necessarily be presumed to be better acquainted with the situation of affairs; and when they undertook to state upon their responsibility that no injury could arise from the adjournment, he was willing to believe them, and gratify those feelings of delicacy, which he was not ashamed to confess he entertained. No reason appeared to him to be made out against the principle of adjourning; for whatever constitutional objection could be used now, was equally applicable to the first adjournment: and as no solid specific injury had been stated by any of the opponents of the motion, he should feel himself justified in supporting it by his vote.

Mr. *Fuller*—I never trimmed or juggled, and I will not trim or juggle now. I vote for the adjournment on the promises of Dr. Baillie and sir Henry Halford, honest men as I know them to be; and so far from being warped by interest on the present occasion, they make less by their attendance on his Majesty than they would by their attendance on the public at large. Those gentlemen, those honest men, say that his Majesty has at present force of mind and body, and that there is every probability of his perfect restoration to sanity of mind and body. What would we have more? What would we reason on in preference to simple facts—facts stated by the ablest and most virtuous men in the nation? Will any man deny them? Will any in this House be base enough to desert our poor, good old man, in his adversity?—Bless me from that most poignant of all afflictions!—an affliction to which every man from the prince down to the subject is liable.—Bless me, gentlemen,—(loud laugh,) I feel for my King and my country! I never gave a vote against my conscience!—I say it on my oath. Now, let you who laugh at me say as much—I never voted against reform, but to be sure that has nothing to say to the present question.—(A laugh!)—It may be ridiculous, gentlemen, but I say, whoever rats now and runs away, may the honourable person to whom he runs not receive him! Whoever deserts the old King is the basest of human beings, of human creatures; I care not whether he be prince or peasant; be him prince or peasant that rats, I say, blow him from this earth! I shall now vote for the adjournment, but after it, in case the King's recovery is not complete, then of course I shall agree to other measures. I shall do what the nation expects, but I shall not desert my sovereign now; and I say that man is base who would adopt a contrary line of conduct—it will be mean and it will be unworthy.

A loud cry of question arising here, the House divided on the question, That at its rising it do adjourn to this day fortnight; Ayes 233, Noes 129. Another division took place upon Mr. Ponsonby's motion *, to appoint a Committee to examine the physicians. Ayes 137, Noes 230. Adjourned to December 13.

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* Sir J. Sebright, sir J. St. Aubyn, lord Pollington, Messrs. Prittie, M. A. Taylor, Freemantle, Calcraft, Evelyn and Wilkins, voted in the second Division.

List of the Minority.

Abercromby, Hon. J.
Adair, Rt. Hon. R.
Adam, W.
Agar, E. F.
Althorpe, Viscount
Anstruther, Rt. Hon. Sir J.
Astley, Sir Jacob
Aubrey, Sir J.
Bagenal, Walt.
Baring, A.
Baring, T.
Bewick, Col.
Barnard, Scrope
Bennett, H. A.
Bradshaw, Hon. C.
Brand, Hon. T.
Brown, Anthony
Byng, Geo.
Brougham, Hen.
Burdett, Sir F.
Campbell, Duncan
Cavendish, Lord G.
Cavendish, W.
Chaloner, Robert
Colborn, N. R. W.
Combe, H. C.
Corry, T. C. S.
Creevey, Thomas
Cooke, Bryan
Duncannon, Visc.
Dillon, Hon. H. A.
Dundas, Hon. L.
Eden, Hon. G.
Elliot, Rt. Hon. W.
Fitzgerald, Ld. W.
Fitzpatrick, Right Hon. R.
Foley, Hon. A.
Folkestone, Lord Visc.
Giles, Dan.
Goddard, T.
Gower, Earl
Greenhill, Robert
Grenfell, Pascoe
Halsey, Joseph
Hamilton, Lord A.
Hanbury, ——
Hibbert, Geo.
Hippesley, Sir J. C.
Honywood, W.
Horner, Fran.
Howard, Hon. W.
Howard, Hen.
Howorth, Hum.
Hume, W. H.
Hurst, Robert
Hussey, Thomas
Hutchinson, Hon. C. H.
Jackson, John
Jekyll, Joseph
Knox, Hon. T.
Kensington, Lord
Lamb, Hon. T.
Lambton, R.
Langton, Gore
Latouche, John
Latouche, Robert
Leach, John
Lemon, Col.
Lemon, J.
Lester, B. Lester
Lloyd, Sir E.
Lloyd, J. M.
Longman, Geo.
Macdonald, J.
Madocks, W. A.
Markham, J.
Martin, Henry
Mathew, Hon. M.
Maule, Hon. W.
Mexbro', Earl of
Millbank, Sir R.
Miller, Sir T.
Milner, Sir W.
Milton, Viscount
Morpeth, Viscount
Morris, Ed.
Mosley, Sir Oswald
Mostyn, Sir Thos.
Newport, Rt. Hon. Sir J.
North, Dudley
Nugent, Sir Geo.
O'Callagan, Col. Jas.
O'Hara, Chas.
Ossulston, Lord
Osborne, Lord F.
Palmer, C. S.
Piggot, Sir A.
Peirse, H.
Ponsonby, Right Hon. G.
Portman, E. B.
Pym, F. S.
Quin, Hon. Wind.
Romilly, Sir Sam.
Russell, Lord W.
Scudamore, R. P.
Sharp, Richard
Shipley, W.
Smith, Samuel
Smith, George
Smith, John
Smith, Abel
Smith, Wm.
Somerville, Sir M.
Simpson, Hon. John
Stanley, Lord
Stewart, James
Symonds, T. P.
Talbot, R. W.
Tarleton, Ban.
Taylor, W. O.
Templetown, Visc.
Tierney, Rt. Hon. Geo.
Tracey, C. H.
Turton, Sir T.
Vernon, G. G. V.
Walpole, Hon. Geo.
Ward, Hon. J. M.
Wardle, G. L.
Wharton, John
Whitbread, Samuel
Winnington, Sir T. E.
Wynn, C. W. W.

HOUSE OF LORDS.

Thursday, December 13.

[King's Illness.] A meeting took place pursuant to the last adjournment, and a very considerable number of peers attended about five o'clock.

The Earl of *Liverpool* rose, and stated, that it must be perfectly in the recollection of their lordships, that, when he last had the honour to address them, he had said, that unless some very material change should take place in the state of his Majesty's health, indicative of a reasonable prospect of a speedy restoration of his Majesty to the personal exercise of his royal functions, it was not his intention to propose on their next meeting (this day) a further adjournment for any length of time. Though a considerable degree of progressive amendment had since taken place, and the same confident expectations of his Majesty's ultimate recovery were still, of course, entertained by his physicians; yet the immediate state of his Majesty's health was such, as that he could not hold out a prospect of that most desirable event being likely to take place in so short a time, as he thought might warrant him to propose, in the present instance, a farther adjournment. Under these circumstances, therefore, and with a view to that course of proceeding which in the judgment of the House it might be proper and expedient to adopt, he felt it his duty in conformity with the precedent of 1788 to propose for the consideration of their lordships,—first, that a Committee should be chosen in the way of ballot, to examine the physicians attending his Majesty, as to the actual state of his Majesty's health, and to report such examination to the House. If this should be agreed to, he would move, that such Committee shall consist of 21 lords, and that the House should adjourn till to-morrow, for the purpose of chusing such Committee. The noble secretary then formally moved; That a Committee should be chosen as above; which, on the question being put, was ordered, *nem. diss.* His lordship moved, That the said Committee of 21 lords be ballotted for to-morrow; and that each peer present should put into a glass a list, containing the names of 21 lords, signed by himself.—Ordered.—He then moved for the attendance of doctors Reynolds, Halford, and Heberden, on the House to-morrow, in order that they may be sworn at the bar, touching their evidence before the Committee, and further, that doctors Willis and Baillie do attend for the same purpose on Saturday next.

The Duke of *Norfolk* did not rise for the purpose of opposing any of the motions of the noble earl. His object merely was to observe, that, as the ballot for the Committee was not to take place till to-morrow, it would be unnecessary to order the attendance of the physicians before Saturday, as they could not be examined by the Committee before that day. He suggested, therefore, that it might be desirable not to order the attendance of the physicians until the Committee should be appointed and ready to proceed to the examination.

The Earl of *Liverpool* observed, that according to the forms of the House, the physicians who were to be examined before the Committee must be sworn at the bar of the House.—He likewise observed, that the proceeding of the ballot may be so arranged, as that all the lists may be delivered in to the clerk previous to the meeting of the House to-morrow, at 4 o'clock, when a Committee may be appointed for the purpose of examining the lists and reporting to the House the names of the lords upon whom the choice should fall.

The attendance of his Majesty's physicians, as moved for by the earl of Liverpool, was then ordered; and the House adjourned till to-morrow.

HOUSE OF COMMONS.

Thursday, December 13.

[KING'S ILLNESS.] The House being met,

Sir *John Newport* moved, that the Speaker do issue his warrant for a new writ, for a member to serve in Parliament for the county of Limerick, in the room of W. Odell, esq. who since his election had been appointed, and on the 27th of August last gazetted one of the lords of the treasury in Ireland. On the question being put,

Mr. *Biddulph* expressed a doubt, whether it was competent to the House to agree to such a motion. The writ moved for was a king's writ. The present session had never been opened by any speech from the King, and he thought it would be rather an anomalous proceeding for that House to order a king's writ to be issued, without any recognition of its constitutional meeting on the part of the King.

The *Speaker* said it might be proper to inform the hon. gent. that on a former occasion, the exercise of the right now called in question had been considered a paramount and primary duty by that House, and that, in pursuance of this principle, the House had felt it to be their duty to fill up all the seats which had become vacant in their own body. It was also to be remarked; that this was no application to the crown; and if the House had any right of their own authority to issue one warrant to this effect, they were entitled to fill every vacancy.

The question being again put,

Sir *Francis Burdett* rose and expressed his concurrence in the doubt entertained by his hon. friend as to the competence of that assembly to order a king's writ to be issued, pending the suspension of the royal functions, and whilst they could not be considered constitutionally a House of parliament. He could not, for his own part, call the meeting now assembled a House of Commons, or a House of parliament, neither could he reconcile the issuing of such a warrant as that now moved for, which must ultimately effect a writ issuable by the crown to the notions he entertained on this subject. So anomalous a proceeding he was unwilling to entertain, and therefore the impropriety of agreeing to the present motion struck him most forcibly.

The *Chancellor of the Exchequer* did not think that it would have been necessary for him, after what had fallen from the chair, to say a single word on the subject now under consideration. The objection to the issuing of the warrant had fallen not unnaturally from the gentleman under the gallery (Mr. Biddulph,) but, after the information gentlemen had received from the chair, he thought that there would not be a dissentient voice. He could not agree to the statement of the hon. baronet, that they were not even under all the peculiar circumstances of their meeting to be considered as a House of Commons. Nothing was more important than that the public should clearly understand that they were a House of Commons, legally and duly constituted, and that being so, they were now about to take those steps for the benefit of the country, which it was incumbent on them to take without any farther delay. The argument of the hon. baronet, if at all to be listened to, would go much farther than he himself intended, for it would go indeed to this—that no writ even in a court of law, could be good, so that all legal proceedings, of every kind, must be stayed. Nothing could be more mischievous in its effects than the promulgation of such a doctrine. It was not only consistent with, but a vital principle of, the constitution, that, as the crown was in the full exercise of its prerogative, even where no occasion existed for the immediate personal interference of the sovereign, so those branches of the regal authority which derived their origin from the royal stock, remained unimpaired, notwithstanding any accidental calamity that might happen to Majesty itself. All ideas, therefore, of the impossibility of any of the functions of government being performed under the present circumstances were erroneous, and founded on a mistaken notion of the nature of the constitution. But of these mistaken ideas, that on which he more distinctly desired to dwell was, the error respecting the House of Commons. The House of Commons at present assembled were just as much the representatives of the people of England, as if his Majesty were at that moment blessed with perfect health; and although certainly not a parliament, were just as competent to the purpose, in the anticipation of which the motion before them was made.

The question was then put and agreed to.

The *Chancellor of the Exchequer* then rose and again addressed the House. When he last had the honour of meeting them this day fortnight, he had occasion to refer to the communication made by his right hon. friend (Mr. Secretary Ryder) to the House from the privy council, and from reference to that report, feeling himself justified in the proposal of delay for one fortnight more, he had submitted such a proposition to the House, in the hope that in the mean time such a progress would have even made in his Majesty's recovery as would have held out to them the prospect, on their re-assembling to day, of a speedy reassumption by his Majesty of his royal functions. At that time he entertained a most confident expectation, that such would be the result, and he therefore had expressed a confident expectation that there would be no occasion for any farther adjournment of parliament on that account. He was now painfully placed in the situation of stating, that his expectations in that respect had unfortunately been disappointed. He had, on the former meeting stated, that the interests of the country, and a regard to its vital concerns, would require on its again meeting this day, that the House should proceed to supply the deficiency, and to provide for the discharge of the kingly functions; and that he should not feel himself entitled to propose any farther delay, unless the amendment was such as to hold out certain hopes of a speedy recovery.—He still remained of that opinion. This being the case, nothing then remained for the House, but to say in what manner they should proceed to provide for the calamity which had taken place. He was happy however to declare, that he still entertained the most sanguine hopes of the ultimate and complete recovery of his Majesty, but still as he could not hold out a prospect of a speedy recovery at present, he could not recommend that any farther delay should take place. On the contrary, he was of opinion that they had now come to this point, that the House ought to appoint a Committee of their own, to examine the physicians attending on his Majesty, and to put on the records of their proceedings the fact of his Majesty's indisposition. As sufficient notice had already been given of the proceedings likely to be adopted, in the event of no favourable symptoms occurring of immediate restoration, he did not see that there was any occasion to adjourn over to another day the naming of the Committee, but that the Committee might now be appointed. He should, therefore, propose, That a select Committee be appointed to examine the physicians who had attended his Majesty during his illness, touching the state of his Majesty's health, and to report the examination to the House. He should likewise propose that this Committee should consist of 21 members, and should at the same time propose the names; but that the House might be the better prepared to judge of the fitness of the Committee, he should at once read all the names of the members who he proposed should constitute it. He then read the names of Mr. Secretary Ryder, the Master of the Rolls, Wm. Adam, esq., hon. H. Lascelles, right hon. R. Dundas, lord Castlereagh, lord Milton, lord G. Cavendish, Attorney General, right hon. G.

Canning, S. Whitbread, esq. right hon. G. Ponsonby, W. Wilberforce, esq., right hon. R. B. Sheridan, right hon. G. Tierney, right hon. W. W. Pole, right hon. sir John Newport, right hon. sir W. Scott, right hon. C. Bathurst, T. S. Gooch, esq. —He had thus put the House in possession of the names of those hon. members whom it was his intention to submit as fit and proper persons to constitute the Committee. If it should be the pleasure of the House to agree to these motions, it would subsequently be necessary for him to submit several other motions for adoption, respecting the powers to be given this Committee, and also to say something as to the ulterior course which it was his intention to recommend. At present, he should confine himself to moving "That a Committee be appointed to examine the physicians who have attended his Majesty during his illness, touching the state of his Majesty's health, and to report to the House thereon.

Mr. *Whitbread*, rose only to remark, that the right hon. gent. had now felt himself compelled to resort to that measure, which, in the opinion of some members of that House, should have been adopted one month before. He again begged publicly to accuse the right hon. gent. (an accusation, which if unfounded might be repelled) of not having given intimation of the unlooked for assembling of parliament to all the members, without distinction, as had been observed on a similar melancholy occasion, by his predecessor. He had also farther to accuse him, that having it in his contemplation to propose on that day certain measures of importance, he did not acquaint the whole members of the House, without distinction, of the nature of the proposition to be submitted by him, but confined the knowledge of it to those individuals whom he knew to be attached to his own party. He knew it had been common for gentlemen on both sides of the House to remind or apprise their own friends of the necessity of their attending on particular occasions; but situated as the country now was, and when so important, and at the same time so generally interesting a question was to be discussed, he must insist that the intimation ought to have been made to every member without distinction.—He only begged to bring back the recollection of the House to what was their actual situation—that this was the third time on which they were thus assembled, without having yet taken any steps to supply the deficiency which was known to having existed, at least for the last six weeks. That he (Mr. Whitbread) was proposed as one of the committee, by the right hon. gent. he unquestionably esteemed an honour; and thus appointed, he should endeavour to discharge the duty entrusted to him conscientiously; or if a more proper man should be proposed in his room, he should submit with all deference to the opinion of the House. But, as the committee was to be appointed, he should abstain from saying more on the subject at present, and reserve himself till the report of the committee should be brought up, when the discussion could be more regularly entered into.

The motion for the appointment of a committee to examine the physicians, &c. was then agreed to; as was also a subsequent motion, That the committee do consist of 21 members.

The gentlemen whose names had been named by the Chancellor of the Exchequer were then appointed to form the committee, with the addition of the Chancellor of the Exchequer himself (as the mover of the proposition), and the substitution of the right hon. H. Addington, for the right hon. C. B. Bathurst, he being out of town.

The following motions were then made by the Chancellor of the Exchequer, and severally agreed to: "That the committee have power to send for the physicians, for the purpose of examining them. That the committee have power to adjourn from time to time, and from place to place, as may be convenient to them; and that they have leave to sit, notwithstanding any adjournment of the House. That no member of the House, not a member of the committee, do attend their meetings. That the committee do meet immediately in the Speaker's chamber. That five be a quorum."

On the motion of the Chancellor of the Exchequer it was then ordered, that the House at its rising do adjourn to Monday next.

The *Chancellor of the Exchequer* then proposed, that for the purpose of ensuring as full an attendance of members as possible, a Call of the House should be ordered. To give to this Call the fullest possible effect, he should move that it do take place on Wednesday. He had proposed the adjournment only till Monday, as it was reasonable to hope that the report of the select committee would be ready to be presented that day. It would be necessary that the report should be printed, and in the hands of gentlemen, before they should come to the discussion of it, and, therefore, he proposed Wednesday for taking it into consideration. It would, he was persuaded, appear to every hon. member extremely desirable and proper, previous to this important discussion, that the House should be called over, and be accordingly now moved, That the House be called over on Wednesday next.

It was then ordered that the House be called over on Wednesday next.—Adjourned till Monday.

HOUSE OF LORDS.

Friday, December 14.

[KING'S ILLNESS.] Earl Camden reported to the House the names of the noble lords who had been chosen on the Committee for the Examination of his Majesty's Physicians, and for reporting to the House the result of the same. The names were as follow: Archbishop of Canterbury, duke of Norfolk, archbishop of York, earl of Moira, lord Grenville, duke of Montrose, lord Ellenborough, earl Spencer, marquis of Lansdowne, the Lord Chancellor, marquis Wellesley, bishop of London, earl of Harrowby, viscount Sidmouth, earl Camden, earl of Westmoreland, marquis of Abercorn, earl of Buckinghamshire, earl Powis, earl of Liverpool, lord Redesdale.

The Earl of Liverpool then moved, that the Committee should meet to-morrow at twelve o'clock, and that eight be a quorum, with privilege to adjourn as they should think fit.

Mr. Quarme announced, that Drs. Reynolds, Heberden and Baillie, were in attendance, and they were accordingly called in, and sworn.—Adjourned.

HOUSE OF COMMONS.

Monday, December 17.

[REPORT FROM THE COMMITTEE APPOINTED TO EXAMINE THE KING'S PHYSICIANS.] Mr. R. S. Dundas reported from the Committee appointed to examine the Physicians who have attended his Majesty during his illness, touching the state of his Majesty's health, and to report such Examination to the House, That the Committee had examined the said physicians; and had directed him to report such Examination to the House. Which Examination is as follows:

REPORT.

The COMMITTEE appointed to examine the Physicians who have attended his Majesty during his Illness; touching the State of his Majesty's health; and to report such Examination to the House:—Have, pursuant to the order of the House, proceeded to examine the said Physicians: Which Examination is as follows:

Veneris, 14 *die Decembris,* 1810.

Dr. HENRY REVELL REYNOLDS called in; and examined.

Question—Is the state of his Majesty's health such, as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—*A.* Certainly, he is incapable.

What are the hopes you entertain of his Majesty's recovery?—I still entertain very confident hopes of his Majesty's recovery.

Do you found the opinion, given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder; or, upon general experience in other cases of the same nature; or upon both?—Upon both; and for this reason: with respect to the particular symptoms of his Majesty, they are favourable, from the circumstances of the soundness of his constitution, preserved by simple and temperate diet, and the regular habits of his life; and also because his memory is as strong and as correct as ever it was, his perceptions as acute, (his judgment is perverted, and he has lost his discretion at present), and also because I have seen his Majesty recover from three attacks of the same disease, in some parts of which I think he has been even worse than he is at present.

Whether, in that particular species of the disorder his Majesty has fallen into, it has been found from experience, that the greater number of persons so affected have been cured?—I believe much the greater number.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?—No, I cannot: our hopes and expectations of a speedy recovery have fluctuated with the fluctuations of his Majesty's complaint; but nothing has hitherto prevented me from thinking favourably of the ultimate termination of the disease.

As far as experience enables you to judge, do you think it more probable that his Majesty will, or will not recover, so as to render him capable of attending to public business?—Yes, I have no doubt; there is such an integrity of mind about his Majesty, that when once his aberrations are gone, he will recover perfectly; how soon, it is impossible for me to say. I suppose some vestiges of complaint may remain when the principal part of the disease shall be removed; but I have no doubt of his being able to discharge his functions just as well as ever.

What degree of experience have you had yourself, in this particular species of disorder?—In the course of upwards of forty years practice, I have seen several instances of it; many.

Has any amendment already taken place in the course of his Majesty's disorder, and does the appearance of such amendment continue at present?—There have been fluctuations; his Majesty has sometimes been better, and sometimes again he has been worse; there have been paroxysms; there have been times when he has been apparently going on well, and then something suddenly has thrown him back: amendment has certainly taken place, but then it has been transient, and he has been a little worse again, and then he has been better again. He is much better now than he was at several periods of the disease.

What is the state of his Majesty's disorder at present, as compared with what it was when you were examined before the privy council?—I perceive but very little difference from what it was at that time.

Can you ascribe his Majesty's disorder to any particular cause?—I understand that it came on from the anxiety of his mind upon the illness of his daughter, the princess Amelia; I believe there can be no doubt of that: those gentlemen who were in attendance upon her, I believe, will satisfy the committee upon that subject; but from their report, I have no doubt it originated from that cause.

When were you first called in?—On the 3d of November.

Who were the physicians in attendance at the time you were called in?—Dr. Heberden, sir Henry Halford, and Dr. Baillie.

Were they the only physicians in attendance?—They were.

Was there any other confidential medical person in attendance at the same time?—Not at the time I went.

Who are the physicians in attendance now?—In addition to those gentlemen and myself, Dr. Robert Willis.

When was Dr. Robert Willis called in?—To the best of my recollection, on Tuesday the 6th of November, in the evening.

Is there any other confidential medical person, now in attendance, besides the physicians?—Mr. Dundas has attended his Majesty: Mr. Battiscomb is his apothecary, and of course, is there occasionally; but there is no other medical person.

Have you had opportunities of seeing the King, from time to time, since your attendance upon his Majesty in the year 1788?—Yes; I saw his Majesty in his illness in the year 1801, and also in his illness in the year 1804.

Have you been called in to attend his Majesty, or have you had any opportunities of seeing his Majesty, in the intervals between those illnesses of 1788, 1801, and 1804, up to the time of your being called in, in this present illness?—I have had few opportunities of seeing his Majesty, except in those illnesses. I have had occasion to see him two or three times on my own business, when he did me the honour of appointing me his physician extraordinary, and then his physician in ordinary; but not medically.

You have stated that the greater number of patients, labouring under this same sort of infirmity as his Majesty, who have come under your observation, have recovered; do you mean in the greater number, to include patients of the age at which his Majesty has now arrived?—It has not occurred to me, to see any persons at that advanced period of life, labouring under this disease.

Do you know that medical people in general consider, that as life advances, after a certain period, recovery is deemed more improbable?—Yes, I believe that is the general opinion.

Then, in the greater number of patients who have recovered, as stated by you, all those patients were in a class of age below that of the King?—I think so; there was one whose age I do not recollect precisely.

Have you been in the habit of attending any of the public hospitals for the reception of patients under this disease?—No, I have not been in the habit of attending any hospital appropriated to the reception of such patients.

You have stated, that you entertain a very favourable opinion of the King's ultimate recovery; and you have stated one of the reasons of your opinion to be, the soundness of his Majesty's constitution; in those patients whom you have attended, have you not found that very sound constitutions have often been afflicted with incurable maladies of this nature?—No, I do not know that I have often found that.

Have you found it in any instances?—I have seen people who have not recovered.

With very sound constitutions?—Not with such constitutions as the King; probably I should have had great hopes of them, if they had. But I cannot charge my mind now with every patient of the kind I have attended during forty years. The general impression made upon my mind, does not authorize me to answer that question decisively.

When the constitution is so sound, as to afford the medical attendant no reason for the mental infirmity as arising out of that constitution, do you think that the probability of recovery is more or less from that circumstance?—More, certainly from a sound constitution.

If you cannot trace any cause for the infirmity?—If I cannot trace any cause, if there is no hereditary taint, or any obvious cause for it, no external injury, or any thing which looks like organical affection of the brain; I should apprehend a sound constitution affords much the greatest probability of recovery.

You have stated, as another reason, the extreme accuracy of the King's memory; in patients labouring under this infirmity, is not extreme accuracy of memory very frequent, and sometimes what may be called morbid?—I never observed that.

You have also accounted for the probability of the King's recovery, by observing the strict, simple, and temperate diet the King has always used; when patients have come under your observation, whose habits of life have been exactly the reverse of the King's, has not the reducing them to that strict and temperate diet and life to which the King has been accustomed, afforded the best ground of hope, for medical men, of their recovery?—When excess in the habits of life has been too much indulged, the removal of that excess and the subsequent adoption of a temperate and rather a more sparing regimen, has been frequently attended with success.

What do you mean, by the integrity of the King's mind, at the present time?—I mean, that his memory is entire, his perceptions are entire; and his acuteness is considerable, which appears from every now and then a comment on any thing that is said. His judgment I have said was perverted, and that at present his discretion is asleep at times; though every now and then there are gleams of both, but they are transient.

In detailing the present state of the King's mind, as to his memory, his perceptions, the aberrations of his judgment, and his loss of discretion, is not that state of mind common to all persons labouring under the same infirmity, or are they particular symptoms belonging to the King?—I do not know that I ever saw exactly a case parallel to the King's; the disease is modified by his peculiar constitution, and perhaps in some measure by his peculiar station.

You have mentioned your expectation, that the King will recover, and be able to transact public business again, but that some vestiges of the complaint may remain; do you mean to say, that the recovery will be, in your opinion, complete to the transaction of public business, while vestiges of the complaint remain?—Yes, I should have no doubt there might be times when his Majesty might be perfectly competent to every thing; and that now and then, a little hurry, or something, might for a quarter of an hour, or an hour, agitate him, but that it would all subside again. I understand that was the case in his former recoveries, for a time; I did not learn when it ceased; I did not see the King in any of his illnesses, after he had been declared quite well; I understood it did not last above a month or two, or a few weeks; but I only speak from hearsay in this respect.

Then in fact, you ceased to visit the King, in his former illnesses, after he was declared quite well?—Yes.

And you have heard that, subsequent to that declaration, there were occasional paroxysms of the disorder, though slight and short?—They could hardly be called paroxysms; it was more a hurry of manner than any thing else; as I understood from those who saw his Majesty.

Were you a party to the declaration, in the three former illnesses, that the King was perfectly well?—Not in the three former instances; at the time that I declared the King to be well, in the year 1789, I then thought the King well; that was, I think, in the beginning of March 1789.

Were you a party to the declaration, that the King was perfectly well, in 1789?—I was.

In 1801, were you a party to the declaration, that the King was perfectly well?—No; in 1801, after the King was so much better, that the bulletins ceased in the morning, I withdrew: the King was going then to Kew; and I thought the King was so well, I did not apprehend it to be necessary for me to attend any longer. The King had a relapse, I understood, at Kew; but I did not see him in that relapse.

Can you recollect the date of the last bulletin, that was signed by you, in the year 1801?—No, I have no memorandum of it.

Who were the medical attendants upon the King, on his relapse at Kew, in 1801?—I believe the late Dr. Gisborne, and Dr. John and Dr. Robert Willis. I do not know whether Mr. Dundas might see him; but they were the only physicians attending him at that time.

Were you a party to the declaration, that the King was perfectly well, in the year 1804?—Yes, I think I was at that time.

Was there any relapse after that declaration, in that illness?—Not any, that I understood; I did not see his Majesty after that; but I never heard of any afterwards.

When you withdrew in the year 1801, was it in consequence of any difference of opinion with the other medical attendants?—None in the world; it was merely because I thought that the King was a great deal better, and that my attendance was no longer necessary at that time.

You have mentioned, the King's competency to business, in the intervals of periods of flurries which may occur after the disease has in a great measure ceased; during those periods of flurry, do you think that the King would be competent to transact any business public or private?—I cannot answer that question from my own knowledge; but what I understood was this, that if the King was from any little opposition, rather in a flurry, if he was told there was any business to transact, it composed him directly; that was the testimony that was given to me by several persons who saw him at the time.

Who were the persons who gave you that testimony?—I cannot tell exactly now; it was those who were about him at the time; I think I heard something of that kind from Dr. Heberden, but I do not mean to rely upon my quotation.

In 1801 there was a relapse?—Yes.

But after the complete recoveries in 1789 and 1804, those flurries occurred?—Yes. I did not understand there was any relapse in the first illness, nor in 1804. I believe, as far I can recollect, taking the whole together, that illness was shorter than that of the year 1788 and 1789; even taking in the period of the relapse the whole of the attack was shorter, because in 1788 the complaint commenced in October, and we did not declare the King well till the beginning of March. In 1801, it commenced in February; and I think the King was well before the end of May, and that includes the period of relapse.

At the time you ceased to attend the King in 1801, was there any declaration made, that he was completely recovered?—No declaration was then made, that he was completely recovered. I do not recollect what the last bulletin was; but I know that I thought the King so well, that I could take my leave of him with propriety, and I did it; seeing the King getting better, and understanding that he was soon going to Kew, I thought that it would have a good appearance to the public, that I had withdrawn; that it would be a confirmation to the public that the King was getting well.

Did you esteem the King well, at the time you withdrew your attendance upon him?—I should rather think that I did think him well at that time; I thought him so nearly so, that I could very safely withdraw.

You wished the public to understand, from your withdrawing from attendance, that the King was well?—I wished so, because I thought so myself. But I do not recollect the precise terms of the last bulletin; but I am sure I never signed any thing that I did not think.

The Committee is to understand, that the complete recovery of the King is the same as the complete recovery of any other person of the same disorder, to be intrusted with any thing he may have to transact, whether public or private?—I think so.

There is no difference, in your estimation between the recovery of the King and that of any other person?—None, in my estimation.

Is the present age of his Majesty likely more to affect the duration of his illness than his age at the respective periods of his former attacks of this disorder?—I can only answer that question by saying, that age seems to have made very few depredations upon his Majesty. He is apparently younger and stronger than many persons much younger than himself, and therefore much better able to resist the effect of disease, than several persons, younger than himself would be.

You will, in your answer, compare his Majesty, not with other persons, but with himself only; does his present age, more or less affect the probability of the duration of the disorder, than his age at the former periods of attack?—I should apprehend that it must have some effect; though I do not see that he has at present suffered from his age.

At the period of his Majesty's former attack, in 1804, was his Majesty's sight as much affected as it is at present?—No; I did not observe that his Majesty had any defect of sight at that period.

Is his Majesty's sight now become very defective?—Very defective.

Is that defect of sight likely to have any influence upon his Majesty's ultimate recovery from the disease, or likely to have any influence upon the duration of the disorder, supposing him ultimately to recover?—During a certain period of the disease, and under certain circumstances, his being blind, is rather a beneficial circumstance, because it intercepts some sources of irritation; but at another period of the disease, it will be adverse to him, because it also intercepts some sources of amusement.

Computing, then, the different tendencies of the defectiveness of his Majesty's sight, do you, upon the whole, conclude that the defect of sight is favourable or unfavourable to the ultimate recovery of his Majesty, or tends to shorten or to prolong the duration of his illness, supposing him ultimately to recover?—That is a question I can hardly make up my mind to; I see it operate sometimes for his benefit; and there are times when I think that the loss of sight will be a grievance, by preventing the amusing him and abstracting him from himself; but what effect it will have upon the protracting or accelerating his recovery, is a great deal more than I can give a definitive answer to.

In persons labouring under the disease under which his Majesty now unfortunately labours, do not the persons attending them, address their countenances and manner, very frequently, very much to the eye of the afflicted person?—Yes, undoubtedly.

Does not the eye afford, to the persons attending persons afflicted as his Majesty is, when in its perfect state, a means of control over the afflicted person?—I have understood that sometimes, that effect has been produced, but I cannot say that I ever saw any remarkable instance of it.

Was not Dr. Simmons called in to attend the King at the commencement of his present illness?—I understood he was? but that was before I was there.

He did not continue in that attendance?—He did not see the King.

Are you more or less sanguine in your hopes of the King's ultimate recovery, than you were when you were examined before the privy council?—I am not less sanguine of his ultimate recovery, than I was then.

Have you experienced any disappointment, in the expectations you entertained when you were examined before the privy council as to his Majesty's recovery, as to the time of it?—His Majesty's relapse, after the examination of the physicians before the privy council, certainly distressed us, and put the prospect of immediate recovery to a greater distance, but I do not think of ultimate recovery.

Are you of opinion, that a person, having had, with an interval of several years, repeated attacks of this malady, is on the last attack more or less likely to recover, than a person who has not been so previously subject to attack?—I should rather think that the circumstance of his having got well before, from similar attacks, is a foundation of hope, that he will from this.

Does advanced age, coupled with prior attacks of the same disorder with which his Majesty is now afflicted, make any difference, in your calculation, as to the probability of his recovery?—It would in any other case; but there is something so peculiar in the King's, I do not think it has shaken our confidence.

What are the peculiarities which take the King's case out of your general observation?—Those circumstances to which I have alluded before, the vigour still of certain faculties of his mind, and there being no mark of fatuity about him.

You have stated, that you understood the cause of his Majesty's present malady to have been his anxiety about the princess Amelia; have you been informed what were supposed to be the causes of the attacks his Majesty had in 1788, 1801, and 1804; or whether those attacks were referred to any known cause?—I do not know that the first attack was referred to any known cause; in 1801 I did understand there was a cause; I did not understand that in 1804 there was any assignable cause.

When you were called in, on the 3d of November, did the Physicians, who had been previously in attendance, inform you when the first symptom of his Majesty's present complaint was observed by them?—I think they told me on the 25th of October.

Have any of the royal family seen his Majesty, since you have been in attendance?—No.

Has any person, other than the physicians and the attendants under their inspection, seen his Majesty since you have been in attendance?—The Lord Chancellor saw him the day before yesterday.

Did the lord Chancellor apply to you, asking your opinion as to the propriety or impropriety of seeing his Majesty, before he saw him?—Yes, he did.

Had any of the royal family, previously, applied for permission to see his Majesty?—Not that we understood.

Was it with the unanimous concurrence of the physicians, that no injury could arise to his Majesty's health, that the lord Chancellor was permitted to see his Majesty the day before yesterday?—There was no absolute dissentient; there was a discussion on the subject, and there was a doubt on some of our minds, whether it would do him good or irritate him; but his Majesty had been informed the Chancellor was to be there, and it was then decided amongst us, that as that was the case, and he seemed to have made up his mind to the seeing the Chancellor, there was more chance of irritation by preventing it, than there was by the Chancellor's seeing him; and therefore the Chancellor saw him with the unanimous concurrence of all, after that discussion.

By whom was his Majesty informed, that the Chancellor would be there, and was that information given to his Majesty with the knowledge and consent of all the physicians in attendance?—I believe sir Henry Halford was the person who informed his Majesty the Chancellor was to be there.

With the knowledge and concurrence of all the physicians?—Not at the time; sir Henry Halford was alone with the King at the time he told him, and we did not hear of it till afterwards.

Then the day before yesterday, in consequence of such information conveyed to his Majesty, you and the other physicians had none but a choice of evils to choose from; that was, whether he would be irritated by seeing him, or more irritated by not seeing him?—That was not exactly the case: we had some hopes that the seeing the Chancellor might give the King more self-possession, and I do not know that it did not for a time, because, we had known before in former illnesses, that it had done so. But there was no evil to be apprehended from it, except there might have been a little momentary anxiety about the King. We doubted whether it would be right or not, in our discussion among ourselves; but there was nothing of clash or of opposition of sentiment; it was a temperate discussion; there was no dissention at all; it was not apprehended that it was a choice of two evils.

Had you been consulted by sir Henry Halford, whether he should inform his Majesty, in the manner he did, as to the Chancellor's attendance, would you have agreed to his Majesty being informed?—That would have depended entirely on the state in which I might have seen the King at that time.

Have you, within the last fortnight, seen the King, at any time, in such a state, that you thought it desirable the Chancellor should visit him?—I do not know that I should of myself have mentioned it; at the same time I do not know, that I had any objection to it. I do not think the King was quite in the state in which I should have expected much benefit to have resulted from it.

When the Chancellor consulted the physicians, on the propriety of seeing his Majesty, did the physicians agree on any stipulations, as to speaking on subjects of business or otherwise?—Yes, they did; they desired the Chancellor to avoid any thing that might create discussion. One principal reason why it was suggested that it might be right for the Chancellor to see the King, was, that parliament might not take the state of the King merely from the representations of his physicians. In the first attendance I had upon his Majesty in the year 1788, for that reason, I desired that the Chancellor would see the King, and that Mr. Pitt would see the King; and at my desire they both saw him.

At what period of the King's illness was that?—It was within the first month, for it was while his Majesty was at the Queen's lodge at Windsor; it was in the latter end of the month of November 1788; lord Thurlow went in, and Mr. Pitt also saw the King at that time before his Majesty was removed from Windsor to Kew.

Do you recollect whether any advantageous effect was produced on his Majesty, by seeing Mr. Pitt and lord Thurlow?—In both instances a beneficial effect ensued.

In what way did those advantages shew themselves?—The King became more composed, and he was more manageable afterwards: at that time we had no other persons in attendance upon the King, but his pages.

Has his Majesty been bodily indisposed once or twice within the last fortnight?—Yes; there has been at times considerable accession of fever about the King.

Do you attach any importance to such bodily indisposition as his Majesty has been subject to for the last fortnight?—I attach considerable importance to any accession of fever; and there was accession of fever within the last fortnight; we had no alarm on account of any other indisposition.

In using the word 'fever,' do you mean an accession of the mental disease, or of bodily indisposition?—Of bodily indisposition, when we have made use of the word fever; the King had fever, though accompanied with an aggravation of the mental disease; yet it was independent of that.

Was it at the suggestion, or at the request of the lord Chancellor, that he saw the King; or was the Chancellor, upon his arrival at Windsor, to enquire after his Majesty, informed that it was settled that he should attend upon him?—It was not at the suggestion of the Chancellor, and his lordship said that he was not even prepared to expect such a circumstance; it was rather at the recommendation of the physicians in attendance.

When lord Thurlow and Mr. Pitt saw the King in his former illness, were any of the physicians present at the same time?—Yes, I was present.

Were any physicians present when the lord Chancellor saw him the other day:—No.

Nor any other person?—Not any person was in the room but the Chancellor; sir Henry Halford introduced the Chancellor to the King, and then retired; and no other person was in the room.

You have stated, that one of the inducements to the Chancellor's seeing the King was, that Parliament was to meet the next day; did the physicians desire the Chancellor to see the King because they were aware that Parliament was to meet the next day?—I do not know whether that was not one of the reasons; but it was not done with any disrespect to Parliament, only with a view, as it had been in the former case, in the year 1788, that Mr. Pitt and the Chancellor might both have to say, that they did not take the state of the King merely from the representation of his medical attendants.

Has there been at any time, in your opinion, any connexion between the defect subsisting in his Majesty's sight and the mental disorder under which his Majesty at present labours, or at any former period laboured?—No, I do not apprehend there is.

You have said, that you are not less sanguine of his Majesty's ultimate recovery, than you were when you gave your evidence before the privy council; are you less sanguine of his Majesty's speedy recovery than you were at that period?—Yes, of his Majesty's speedy recovery; from the relapse which took place immediately afterwards, we certainly have not so fair a prospect.

Can you state any probable time for his Majesty's ultimate recovery?—No, I cannot indeed: I think the King is very much in the same state that I saw him in the latter end of the year 1788, and the beginning of the year 1789, but it varies so, there are so many fluctuations, that when we see the King a little better, and going on a little better for two or three days, we are sanguine, and if there comes a relapse it throws us back again; there are such fluctuations, it is impossible to give any positive and decided opinion; and indeed in this case there is no definitive time in the nature of the malady; you can very seldom say; when men have a common fever, after the symptoms have been formed three or four days, one can form a pretty good judgment as to the duration of the disease; but in this, I believe, nobody has ever been able to ascertain any precise time.

Then I understand, from the nature of the malady, it is impossible for medical skill to ascertain the time of recovery, as in a fever or other ordinary disease?—Just so.

Are you of opinion, that that difficulty is increased by his Majesty's advanced age, and by any other infirmity that may have attached to his Majesty?—The King's is a green old age; there is so much apparent integrity of constitution about him, that I think that that certainly does not operate upon my mind; and I believe not upon the mind of any, so much as it would in the case of any other person.

Do you know how long the Chancellor remained with the King!—Very little more than a quarter of an hour; I think sir Henry Halford said he minuted him, and that it was 18 minutes.

You have stated, that when lord Thurlow saw his Majesty in 1788, and when Mr. Pitt saw his Majesty about the same time, you were present at those interviews?—I was present when Mr. Pitt went in, and I think I was once present when lord Thurlow went in.

Nobody was present the day before yesterday, when the lord Chancellor went in?—No.

Was the absence of the physicians, upon this occasion, at the physicians' own suggestion, or at the request of the lord Chancellor?—At the physicians' own suggestion, that the Chancellor should form his own opinion.

Did not the duration of his continuance depend upon the opinion of the physicians? —Entirely: the stipulation of the physicians was, that he should see his Majesty for a quarter of an hour.

It was of sir Henry Halford's own motion, that he proposed to the King to see the lord Chancellor, and having so proposed, to the King, he communicated to the other physicians that he had so proposed, and they after some discussion consented to it?—Yes.

But it was not first of all proposed to the physicians as a measure by sir Henry Halford?—It had been discussed among us some time before, and sir Henry Halford at that time thought he saw the King in such a state in which we all said if we had seen him we should have wished it: there was no blame in the world attached to sir Henry Halford.

When his Majesty's physicians, occasionally, in their daily reports, describe his Majesty as being better, do they mean to confine themselves exclusively to his mental disorder, or to combine with it any considerations of his bodily state?—To combine them; when they say he is better, they mean both.

Fever, in the bulletins, means not merely fever, but the mental disorder aggravated by fever?—At those times the King has had fever, and it has perhaps been the most prominent part of his disorder; there have been periods when the King was very seriously ill with fever.

Withdrew.

Dr. Matthew Baillie called in; and examined.

Acquaint the Committee whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?—The state of his Majesty's health is such, as to prevent his attending Parliament, or attending to any kind of public business.

What are the hopes you entertain of his Majesty's recovery?—I think it very probable, that ultimately the King will recover.

Do you found the opinion, given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder, or upon general experience in other cases of the same nature; or upon both? —Not upon general experience, but upon the likeness that I understand the present indisposition of his Majesty bears to the other three indispositions of the same general character.

In that particular species of the disorder his Majesty has fallen into, has it been found, from experience, that the greater number of persons so affected have been cured?—I really cannot give a very satisfactory answer to that question from any experience of my own, for that has been very limited; but I understand the greater number of cases of that kind have recovered for the time, although in many instances there are returns of the indisposition in the same individual.

Can you form any judgment or probable conjecture, as to the duration of his Majesty's illness?—I can form no satisfactory conjecture at all; the only ground of comparison is, by regard to the former illnesses of his Majesty, and that might be very deceitful; but that appears to be the only ground on which we can form any conjecture with respect to the probable duration of his Majesty's indisposition.

As far as experience enables you to judge of his Majesty's disorder, do you think it more probable that his Majesty will, or will not recover, so as to render him capable of attending to public business?—I should think it much more probable, if his Majesty was to recover, he would recover with the full power to transact public business as before his present illness.

What degree of experience have you had, yourself, in this particular species of disorder?—My experience has been very limited, certainly; I have now been about twenty years in business, and I have occasionally seen patients affected with an illness of a similar character; but not in any great number.

Has any amendment already taken place in the course of his Majesty's disorder, and does the appearance of such amendment continue at present?—His Majesty is certainly better now, than he has been in some periods of his present indisposition; I do not think that of late there has been an appearance of much improvement.

Can you assign the disorder of his Majesty to any particular cause?—I have no doubt in my own mind that his complaint arose out of the great affection that his Majesty had for his deceased daughter, and the great affliction that he felt during her long and tedious illness.

When were you first called in, to see the King?—I believe it was the 25th of October.

Were you in the habit of attending on the King before this illness?—No, not at all.

Did you ever visit the King, as a patient, before this illness?—No, never.

In ordinary cases, would you suppose that a patient was more likely to recover from a mental malady, having been affected with mental malady three or four times previously, than if he had never been so affected?—I do not know very well what answer to give to that question: I think it bears two ways; it appears to me, that where a person has had an indisposition with certain symptoms three or four times, and has recovered, it always gives a considerable presumption, provided the constitution is not much weakened in its powers, that the person will recover again; at the same time it may be said, that the susceptibility to disease is increased by the number of attacks, and in that point of view the person might not be so likely to recover. I think, however, that the other reasoning has more power altogether than the last, and therefore I should say, that if the constitution is not much weakened, it gives a presumption, if a person has recovered from a similar disease three times, that he has a considerable chance of recovering the fourth time.

When you talk of the King's recovery, and competency to public business, you mean, the complete recovery, as you would speak of another patient, to be competent to the management and direction of all his affairs?—I think so. I do not say that the King might not fall back and be liable to any future attack of a similar indisposition; but as far as I can judge of it, it is most probable, that if he does recover, he will recover with the same power of performing his duties as a Sovereign as before.

Have any of the royal family seen the King, since his indisposition?—Not as far as I know; I believe at the time he was beginning to be hurried at first, his family saw him; but since the disease established its character, I believe, none of the royal family have seen him. I believe nobody since the 25th of October.

Is the hurry of which you speak, to be understood as subsequent or anterior to the 25th of October?—He was certainly very much hurried on the 25th of October; but I believe there were little marks of the same sort before that; and that they were observed by his family, before they were observed by strangers.

Did you observe any symptoms of it before the 25th of October?—I think once or twice I observed a little, but it did not strike me much; on the 25th it was very well marked. I saw the King twice a day, before the 25th, to give an account of his daughter.

Did you make any observation, on the state of the King, on the 24th of October?—I have no recollection of making any particular observation.

Can any persons have any access to his Majesty, without the knowledge and consent of the physicians?—I believe not; there are certain persons of course established about his Majesty, but there is no stranger; occasionally one or two of his confidential pages have come into the room for an instant, but I do not know that any body else has.

Has any person, other than the royal family, or his pages, or attendants, seen the King, since you have been in attendance upon his Majesty ?—Yes, the lord Chancellor saw his Majesty the day before yesterday.

Were you consulted on the propriety of the lord Chancellor's seeing the King ?—It made a part of general conversation, among the physicians, the day before the lord Chancellor saw the King; and it was thought upon the whole, perhaps, that it would be more satisfactory that the Chancellor should see the King, so as to give an account of him from his own observation.

Was that a matter that suggested itself to the physicians in their medical capacity, or was it thrown from any other quarter ?—It was not thrown out from any other quarter so far as I know.

From which of the physicians did the first suggestion come, of the propriety of the Chancellor seeing the King ?—I believe it was from Dr. Heberden.

What reasons did Dr. Heberden assign, for wishing the Chancellor to see the King ? There was no reason assigned, but that I have assigned now, that it was thought desirable parliament should have, not simply the report of the physicians, but the report of the lord Chancellor, from his own observation.

Did the physicians consider it any part of their duty, to discuss what would be most satisfactory to parliament ?—I really do not know, whether they may not have gone beyond their duty; I do not pretend to say whether it was wise or not.

Do you know that his Majesty had been informed, previously to such consultation among the physicians, that on that day the Chancellor would be at Windsor ?—Yes, he was informed.

By whom was he so informed ?—I believe by sir Henry Halford.

Was such information communicated by sir Henry Halford to the King, in consequence of any discussion amongst the physicians ?—There was no discussion, as far as I recollect, by which sir Henry was empowered to make any communication to the King; and the fact is, I believe, it was thought afterwards better, that the communication had not been made.

Has his Majesty been subject to any bodily indisposition, within the last fortnight ?—His body has hardly been at any time perfectly free from indisposition.

Do you attach any importance to the indisposition to which his Majesty has been subject, in the course of the last fortnight, as affecting his general health ?—I should not, I think, attach much importance to it; the idea that naturally occurs to the mind, in considering a small defect of bodily health, is this, that as the King during the whole of this indisposition, has had more or less of bodily indisposition, though sometimes very little, yet it becomes an additional though a slight proof that he may probably recover, that he has that bodily ailment: If there was precisely the state of mind which the King has without bodily ailment, we should say, there was altogether a less chance of the King's recovering, than if he had the bodily ailment just stated; at the same time, I think it right to say, that sometimes that bodily ailment has been very little.

Does the King's age render his recovery more or less probable, than if he were a younger person ?—It certainly renders it less probable; at the same time, age is a relative term; the King, at 72, is stronger and younger, if one may use that expression, than many persons of 62, and therefore may have a better chance than most persons would have at the same period of life.

Does the King's defect of sight at all influence, in your opinion, the probability or improbability of the King's ultimate recovery ?—I have really no experience at all, and therefore what I shall say to the Committee must be considered as a conjecture, and therefore probably of little value. I should conceive that, in the earlier periods of an indisposition like the King's, blindness would probably be an advantage; that it would lessen the excitement; but when a person, afflicted like the King, goes on towards recovery, I conceive that the want of sight would be a disadvantage, because he would be deprived of many amusements that would occupy his mind and assist in the complete recovery. I conceive, that when a person, similarly situate with regard to complaint as the King, has got into a state of convalescence so as to be able to take exercise, perhaps the having sight would be then a disadvantage again, because he would be roused by a great many objects, and take violent exercise, which might possibly bring back a return of the complaint. What I say now, however, is altogether conjecture.

Do you think that the King's defect of

sight is less likely to have an influence upon the ultimate recovery of the King, than upon the duration of his disorder?—I should think it less likely to have an influence upon the positive recovery of the King, than upon the duration of his illness.

Can you, under the circumstances which peculiarly attach to the King's situation, his defect of sight and his age, form in your own mind any conjecture, at all satisfactory to you, as to the probable duration of the King's illness?—I really cannot. I can only give the answer I have done before; we can only conjecture, and there is no other ground of judgment I can perceive, than that of comparing the present with his Majesty's former illnesses; at the same time, I think, the circumstances are such, as to render it likely that the present indisposition will be a longer indisposition than some of the former.

Have you ever known an instance of a person, of the King's age, and deprived of sight, recovering perfectly from an attack, such as his Majesty now labours under?—I have never known, so far as I recollect, but one person who was affected with this disorder, who was as old as the King, and that person saw; but that person did not recover.

Have you a more or less sanguine expectation of his Majesty's ultimate recovery, now, than you had at the period when you were examined before the privy council?—I have rather a less sanguine expectation; but the difference in that respect, I ought to say, is very little.

Have you a more or less sanguine expectation of his Majesty's speedy recovery, now, than you had at that period?—I never thought it likely that his Majesty would recover soon; if there is any change in my sentiments now, it is most probably that it will be longer than I thought at one time.

What has made you somewhat less sanguine of the King's speedy recovery, than you were, when examined before the privy council?—That there has been another attack since I was examined; and I think the remission since the attack has been hardly so complete as some of the former ones were.

Having stated, in the earlier part of your examination, that you believed his Majesty's affection for the deceased Princess, and grief during her illness, was the cause of his Majesty's indisposition, will you state whether, in your opinion, the circumstance of such a cause being assignable, is favourable or otherwise, with regard to the prospect of his Majesty's recovery?—I can only answer that question by conjecture; but I should say, upon the whole, it was rather favourable. It is better to know some fixed cause for the complaint, and it is better likewise that the cause should have ceased, which it has done in the present instance.

Withdrew.

Sabbati, 15° die Decembris, 1810.

Dr. WILLIAM HEBERDEN, called in; and examined.

You are desired to acquaint the Committee, whether the state of his Majesty's health is such, as to render him incapable of coming in person to his Parliament; or, of attending to any kind of public business?—It is.

What are the hopes, you entertain, of his Majesty's recovery?—I entertain the greatest expectation of his Majesty's recovery.

Do you found the opinion, given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder; or, upon general experience in other cases of the same nature; or, upon both?—I found my opinion upon the symptoms of his Majesty's case, together with the knowledge of what has happened in his Majesty's previous indispositions of the same kind.

In that particular species of the disorder his Majesty has fallen into, has it been found, from experience, that the greater number of persons so affected have been cured?—I believe it has.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?—I can form no judgment of any particular period, which is likely to be the termination; but the experience of his Majesty's former illnesses, of the same kind, induce me to expect that it will not be very distant.

As far as experience enables you to judge of his Majesty's disorder, do you think it more probable that his Majesty will or will not recover, so as to render him capable of attending to public business?—I think there is every reason to expect, that his Majesty will recover, and be perfectly competent to transact public business.

What degree of experience have you had, yourself, in this particular species of disorder?—I have had very limited experience of my own.

Has any amendment already taken place in the course of his Majesty's disorder; and does the appearance of such amendment continue at present?—There has been a considerable amendment; and the amendment continues at present.

State your opinion upon the present state of his Majesty's health, as compared with that at the time you were examined before the privy council; do you conceive him to be better or worse, or in the same state?—I should conceive him to be very much in the same state. It would be right to add to that answer, that his Majesty has not continued uniformly in the same state, since I was examined before the privy council; but has been worse for a few days and since then has been better again.

When did you last see the King?—I saw the King yesterday morning.

What was his state at that time?—I understood that his Majesty had passed a very good night; but previous to my seeing his Majesty in the morning, it had been mentioned to him, that his physicians, or some of them, were coming to town for the purpose of being examined; and I believe it was owing to that cause, that his Majesty had a little hurry upon him at the time I saw him: I conceive it was owing to that cause, because his conversation was directed to that subject.

By whom had the communication been made to the King, that his physicians were coming to town to be examined?—I understood it to have been made by Dr. Reynolds.

Did Dr. Reynolds make that communication to the King, by the advice and with the concurrence of the other physicians, or with their knowledge?—Dr. Reynolds meaning to come to town sooner than the other physicians, had seen his Majesty earlier, and mentioned it to him, I believe, when he was by himself, and previous to any communication with the other physicians.

Will you have the goodness to define what you mean by the word hurry?—Talking more rapidly, and with quicker transitions from one subject to another.

Is the Committee to understand, that you mean to express an incoherent talking?—No.

As you presume that the communication made to the King, had occasioned the hurry you witnessed, do you mean to inform the Committee, that, after having had a good night, the King has been, in the present illness, invariably better than when he has passed a sleepless night, or a night with very little sleep?—He has, very generally, been better after passing a good night.

Has that always been the case?—It has not always been the case.

When you state that you expect that the King's recovery will not be very distant, what limitation of time do you apply to the words very distant?—I can apply no distinct limitation; but in his Majesty's last illness I was called to attend him on the 12th of February 1804; and his Majesty first presided at a council I think on the 23d of April following: I should expect his illness, in the present case, to follow nearly the same character as in that illness; and, what I understand to have been the case in his former illnesses.

Do you expect, that, dating from this day, his Majesty is likely to be so far recovered within one month, as to be able to preside at a council?—I cannot possibly give any distinct answer to that question; there is nothing that makes it impossible, and there is nothing that leads me to say it will be so.

Have you seen such symptoms of his Majesty's disorder, since you were examined before the privy council, as to lead you to hope his recovery will be more speedy, than you did hope at the time you were so examined?—I think there are no circumstances to lead me to expect it would be more speedy, than when I was examined before the privy council.

Have there been any circumstances, which have induced you to abate of your hopes and expectations of a speedy recovery?—No circumstances to induce me to abate my hopes of his ultimate recovery; and no other circumstances to make me doubt of his speedy recovery, than there having elapsed another fortnight, without his being at present forwarder than he was at that time.

Have his physicians been disappointed, in their expectations of the fluctuations in the King's disorder, since the 29th of November?—They have not been disappointed in their general view of the case; at each particular period of remission of his Majesty's illness, they have entertained a hope that it might go on to a nearer approach to recovery than it has done.

When were you first called upon to attend the King, in your professional capacity?—On the 12th of February 1804, I began a regular attendance upon his Majesty. He may have occasionally asked me some things, on the subject of his health, before that; but not as a consultation of a regular physician.

When did the King first begin to ask you any questions, respecting his health, before you became a regular attendant upon the King?—I never was consulted by his Majesty, as a physician before; when I have seen his Majesty, he has sometimes mentioned circumstances of his health to me, but not having sent for me as a physician.

Did you give opinions to the King, or advice, or prescribe, in consequence of those questions being asked you?—I never wrote a prescription, I believe.

Did you give advice, or prescribe, verbally?—No: questions that his Majesty may have asked me (and I really am not sure that his Majesty asked me any questions before) that have been merely in conversation.

You began to attend the King, regularly, on the 12th of February 1804?—Yes.

Did you attend the King, during the whole progress of that disorder?—Yes, I did.

Did you refer that disorder to any assignable cause?—Yes.

Do you think that a patient who has been afflicted with mental derangement, frequently, during his life, is more or less likely to recover from the disorder under which he may labour at the present time than if he had never been so afflicted?—I should conceive it must depend upon the effects apparently produced by each attack of the disorder.

In the case of the King, do you think, that his having been afflicted three times previously with the same disorder, makes him more or less likely to recover from the present attack?—More likely.

Do you take his age into consideration, when you answer that question?—I do.

You have stated, that the greater number of patients, as far as your experience and information have gone, have recovered from attacks of a similar nature; in speaking upon that subject, do you include patients of the age at which the King has now arrived?—No; the cases that I know distinctly of, respecting persons of the King's age, have been too few for me to speak particularly to that effect.

Have you known any cases of patients above seventy years of age?—I have known cases of derangement of persons above seventy years of age; I have known no case similar to his Majesty's, in any person of that age.

In those cases of derangement of patients above seventy years of age, have any of them recovered?—In derangement, if the delirium of fever may be so called, certainly many have.

Do you, speaking medically, consider the delirium of fever to come under the description of derangement of mind?—It certainly does not come under the general character of insanity; no more does his Majesty's case.

What description would you give of his Majesty's case; is it merely the delirium of fever?—No, it is not merely the delirium of fever; nor is it any common case of insanity; it is a derangement attended with more or less of fever, and liable to accessions and remissions.

Has it at times happened, during your different attendances upon the King, in disorders of this nature, that the King has been affected with fever?—Through the whole course of it, his Majesty has not uniformly been affected with fever; the beginning of the last attack, and the present attack, which is all I can personally speak to, have been attended with fever; and fever has occasionally occurred during the course of them.

Has there been, at any time, in the King, during the course of these disorders, derangement without fever?—Yes.

During the periods at which derangement has occurred without fever, how would you then describe the disease?—I can give it no other term than derangement.

Have you seen patients, above seventy years of age, who have laboured under derangement without fever?—I have seen cases of insanity in persons above seventy years of age.

Have those patients recovered?—No.

Have those patients, or any of them, whom you have seen labouring under insanity, and above seventy years of age, been attacked after the age of seventy?—I believe not.

Were they patients, or any of them, who had experienced attacks of insanity in the earlier parts of their lives, and had intervals of sanity between those attacks, or were they patients who had been afflicted with one continued insanity?—I can only speak decidedly of one case where there have been intervals of sanity.

Is the patient now dead?—Yes.

How long was it from the time of the last attack on that patient to his death?—I did not see it at the beginning, but I believe four or five years.

Do you know how long previous to the age of seventy the last attack which terminated only in death had commenced?—I believe very much about the age of seventy.

What is the present state of the King's bodily health, in your opinion?—There is no material injury that his Majesty appears to have suffered in his bodily health.

Is his Majesty's constitution what may be called perfectly sound?—Perfectly.

Do you think a perfectly sound constitution co-existing with a complete mental distemper, a favourable symptom towards recovery from a mental disorder?—In such cases, where the mental disorder has been attended with any affection of the bodily health, I should consider the soundness of the constitution, and a perfect state of health, to be material to a person's recovery.

You would have greater hopes from the circumstance of a sound constitution and bodily health?—In cases where the mental disorder had been connected with any affection of the body.

In the King's present disorder, do you attribute that disorder to any bodily derangement?—Not originally.

Does it now depend upon any bodily derangement?—It is connected with his bodily health; his bodily health has been affected by his disorder.

Has that affection of his bodily health produced such a re-action as to account for his present state altogether?—I do not consider his Majesty's bodily health to have been the origin of his disorder; but his Majesty's bodily health has been affected along with the disorder, and made part of the disorder.

Are there any symptoms now attending his Majesty's bodily health, by the removal of which you think that the recovery of his Majesty's reason would be attained?—His Majesty has a tendency to fever, sometimes existing, sometimes not existing, the removal of which tendency would contribute to his Majesty's restoration, in my opinion.

Has there been, during the present illness, at any period, a total absence of fever?—Yes.

During the total absence of fever, in the present illness, has, at any time, the derangement of mind continued?—I believe never, in a great degree.

In any degree?—Yes.

You have stated that it has happened, that the King has had some hours sleep in the course of the night, and has not been better after that sleep; do you reckon that a favourable or an unfavourable symptom, in regard to the King's recovery?—I should think it indifferent, in regard to his ultimate recovery.

Would it lead you to suppose, that his recovery was not likely to be so speedy as if sleep produced its desired effect?—It would not lead me to form any certain conclusion, with regard to that effect.

When you attended the King, in the year 1804, did you sign the bulletins at that time?—Yes.

Do you recollect the last bulletin that was put forth to the public?—No.

Was it intended that bulletin should convey to the public that his Majesty was completely recovered?—I apprehend that the bulletin must have been intended to convey an idea that his Majesty was perfectly recovered, so far as regarded a competency to transact public business.

Are the Committee to understand, that when you apply the words "perfectly recovered" to the King, you apply them in the same sense as you would to any private individual, that he was perfectly recovered, for the transaction of any business, public or private, which might belong to him, and to the entire management of his affairs?—Yes.

The Committee then are to understand, that at the cessation of the bulletins, in the year 1804, the King was so completely recovered?—I apprehend so.

After the cessation of the bulletins, did you visit the King as his physician, in 1804?—After the cessation of the bulletins, his Majesty went out of town; I was not with him out of town; he returned to town at no very long intervals, and then his Majesty's physicians attended him. I believe it was in the month of August that his Majesty went down to Weymouth, and from that time till the end of October sir Francis Millman and myself were one of us always with his Majesty; for the greatest part of the time, I was with his Majesty.

Were you and sir Francis Millman the only attendants upon his Majesty at Weymouth?—Yes.

At any period subsequent to the bulletins in 1804, did you perceive in the King any flurried manner which excited your attention?—His Majesty was more liable to hurries; but I believe that at any period of any day he was perfectly competent to transact business.

Do you consider the hurries, of which you have been speaking, to have been any vestiges of, or at all dependent upon the King's malady?—I do.

You have said, that fever has accompanied the King's malady, and that that fever has been intermitting during the course of his malady, but that you did not consider the fever to be the cause of his malady; do you conceive the cause of his malady to have been the affliction of the King for the illness of his daughter?—I do.

You have said, that you do not consider the King's to be a case of ordinary insanity?—I did.

What is the cause in your opinion subsisting in the King's constitution which renders him liable to these attacks of mental derangement?—It is a peculiarity of constitution, of which I can give no distinct account.

Can you give any distinct account of the cause of the accession of fever which sometimes attends the mental derangement of his Majesty?—In the disorders which his Majesty has had similar to the present, and in the present disorder, the whole frame has been more or less disordered, both body and mind.

Can you form any opinion of the cause of that fact?—I conceive, with reference to the present case, that the cause was certainly owing to his Majesty's anxiety on the subject of his daughter's illness; that cause produced, from the peculiarity of his Majesty's constitution, the derangement both in body and mind which constitutes his present disorder.

Are you able to afford the Committee any information as to the peculiarity of that constitution, in what it consists?—I conceive the peculiarity to be simply, that his Majesty has appeared liable to attacks of disorder similar to his present; but the cause of his being liable I cannot at all assign.

Has the remission of the fever, after the last considerable access of the disorder, been as entire and complete as after any former attack, in this now subsisting indisposition of his Majesty?—I consider the present remission to bear date from the evening of the 10th of this month; during that interval, from the 10th to the time that I left his Majesty yesterday morning, I should conceive the intermission is as perfect as during the same number of days in any former intermission of his present illness.

Do you conceive the defect of his Majesty's sight to be a circumstance favourable or unfavourable to his ultimate recovery?—I should consider it as a circumstance of inconvenience, but not a circumstance at all prejudicial to his ultimate recovery.

Do you conceive it to be a circumstance having any influence upon the duration of his illness, and tending either to prolong or to shorten it?—I should not consider it likely either to prolong or to shorten his illness to such a period when his Majesty was described, in my answer to a former question, to have been considered capable of transacting public business; after that period I should conceive it of use to his Majesty, in preventing the subsequent hurries that were alluded to.

Is the Committee to understand you as saying, that you consider the defect of his Majesty's sight as a circumstance neither likely to retard nor likely to accelerate the period of his recovery, so as that his Majesty shall arrive at that state which you call a fit one for the discharge of business?—I conceive it to be an indifferent circumstance, as to that.

You have stated, that since you were examined before the Privy Council, his Majesty has been worse for a few days, and since then better again?—Yes.

Is the Committee to understand from that, that since the examination before the Privy Council, his Majesty has had a relapse?—Yes.

State whether, since that relapse, or in consequence of that relapse, you have the same confidence and expectation of a speedy recovery that you had before?—It would not alter my opinion of the probable time of his Majesty's recovery, though I can hardly pronounce it speedy.

Do you know whether during the former attacks of his Majesty, after any remission of the disorder, there was any renewed increase of his illness?—There have been several.

Has the apprehension of a recurrence of mental malady in the mind of any patient, after repeated attacks, any and what effect in producing the renewal of such attack?—I should conceive, an apprehension in the mind of the patient would not tend to produce any recurrence of the disorder.

Does the advance of his Majesty's age, since his first attack in 1788, increase or diminish your expectation of his Majesty's ultimate recovery?—Abstractedly considered, his Majesty's greater age would certainly be considered an unfavourable circumstance; but when I have regard to the peculiar circumstances of his Majesty's disorder, I think his advanced age does not alter my own expectation of his ultimate recovery.

Would the greater pressure of public business now than in the year 1788, have any and what effect, in your opinion, as to accelerating or retarding his Majesty's complete recovery?—I really am not competent to give any distinct answer to that question.

Do you think more or less favourably of the probable issue of his Majesty's malady, from there being such an assignable cause for that malady as you have stated?—I should think more favourably.

Withdrew.

Sir Henry Halford, Bart. called in; and examined.

You are desired to acquaint the Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to meet his parliament, or of attending to any kind of public business?—I think his Majesty is incapable of coming to his parliament, or of attending to any public business.

What are the hopes you entertain of his Majesty's recovery?—I have very high expectations of his Majesty's recovery.

Do you found the opinion, given in your answer to the previous question, upon the particular symptoms of his Majesty's disorder, or upon general experience in other cases of the same nature, or upon both?—Upon both.

Whether in that particular species of the disorder his Majesty has fallen into, it has been found from experience, that the greater number of persons so affected have been cured?—I think so.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?—No, I cannot.

Whether, so far as experience enables you to judge of his Majesty's disorder, you think it more probable that his Majesty will or will not recover, so as to render him capable of attending to public business?—I think it is more probable that his Majesty will recover, so as to enable him to attend to public business.

What degree of experience have you had yourself, in this particular species of disorder?—I have been in practice nineteen years, and during that time a very considerable number of cases have fallen under my notice.

Whether any amendment has already taken place in the course of his Majesty's disorder, and whether the appearance of such amendment continues at present?—A very considerable amendment has taken place in his Majesty's disorder since its commencement. I do not think his Majesty has made much progress within the last fortnight.

When did you last see the King?—This morning.

What was the state of the King, at that time?—His Majesty had had a quiet night, and was composed in his conversation.

Do you think the King was better to-day than he was yesterday?—I think he was quite as well to-day as he was yesterday.

Do you think there was any amendment to-day from yesterday?—No; I think the King was much the same to-day as he was yesterday.

What symptoms were there to induce you to think the disorder was in the same state as it was yesterday, when the King had had a quiet night, and was composed?—That was the case the greater part of yesterday, though there were occasionally moments of discomposure.

Was it the case yesterday morning, that he was composed?—No, not in the early part of the morning.

When you say that the greater number of patients afflicted with this distemper, according to your experience have recovered, do you include in that persons of the King's age?—The cases of the same age with the King, must be very few indeed; I think they are generally at earlier periods.

Have you seen any patients of the King's age, afflicted with the same malady?—Not precisely under the same circumstances with the King; the King's case must be in some respects peculiar.

In what does the peculiarity of the King's case consist?—More in the circumstances of the management.

Is there any thing omitted in the management of the King's case, that would be applied to that of any other patient?—I believe not.

Is there any thing added to the management in the King's case, which could not be added to that in the case of any other patient?—I believe not.

Then in what does the difference of the management consist?—I conceive the King is more capable of being excited by external causes, from not being in the habits of being contradicted or opposed through his life.

Are your hopes of recovery more faint in the case of the King, from the circumstances you have described, than they would be in the case of any other patient mentally circumstanced as the King is?—Not of ultimate recovery.

Are your hopes, of the speedy recovery of the King, as strong as they were on the 28th of November, when you were examined before the privy council?—I had not hopes of his speedy recovery at that time.

Have you hopes of his speedy recovery now?—Not of speedy recovery.

Can you limit any time, within which it is probable the King may be recovered?—I cannot.

Have you had any patient under your care mentally deranged, at or above the age of seventy?—I have seen people deranged, above seventy years of age; but do not recollect that I have had a case under my own care.

Of those persons whom you have seen in such a state at that age, have all or any of them recovered?—I cannot speak with confidence to that question;—because as they have not been people under my own care, I do not know the result.

Do you not know the result of any of those cases which you have seen?—I cannot speak confidently to the recovery of people above seventy-two years of age.

Then you cannot take upon yourself to say, whether any patient at or above seventy years of age, whom you have known to have been mentally deranged, has or has not recovered?—I cannot speak confidently to that point.

Do you know any one who has recovered?—I do not speak of my own knowledge, but I have heard of recoveries.

Do you recollect the circumstances of those cases?—No.

What is the present state of the King's bodily health?—Not perfectly good.

What are the symptoms of disorder in bodily health?—He has feverish symptoms.

Have those feverish symptoms continued, from the time that you were first called in to visit him, to the present time?—His Majesty has occasionally appeared almost free from fever; but I think I can hardly say that he has at any time appeared entirely so.

Do you attribute his mental derangement to any bodily complaint?—I should conceive there were two causes of this complaint; the body must be predisposed by indisposition, to receive the influence of such a cause as produces the King's symptoms.

When you say that the body must be predisposed, do you mean to say that in all cases, derangement of mind is accompanied by indisposition of body?—I am speaking of the King's case in particular.

Do you mean to say, that there must in all cases be an indisposition of body, when there is a mental derangement?—I think it probable there must be so.

Have you ever had under your care, or ever seen persons in a case of mental derangement, where it was impossible for the physician to trace bodily indisposition?—I think I have generally been able to trace bodily indisposition.

Do you think that the King's mental derangement depends upon the present state of his bodily indisposition?—Not entirely.

When were you first called in, to visit the King in his present illness?—His Majesty asked me some questions, respecting the propriety of taking medicine, on the evening of the 25th of October.

Did you, then, perceive any symptoms of mental derangement in the King?—The King's conversation and his manner was hurried.

Was that such, as to amount, in your opinion, to a state of mental derangement and incapacity for business?—I think not, at that time.

Had you opportunities of seeing the King, before the 25th of October?—Yes; I saw his Majesty every day, three times, from the 3d of October.

Did you, in the interval between the 3d and the 25th of October, perceive any symptom of indisposition about the King?—I sometimes thought his Majesty's manner agitated; but there always seemed an occasion of this, in the report which was made respecting the princess Amelia.

Was that agitation of a nature to excite any particular apprehensions, in your mind, with regard to his Majesty's mental health?—No, not at that time.

Not at any time, between the 3d and the 25th of October?—No.

You have said, that on the 25th of Oct. the King was not so much mentally indisposed, as to incapacitate him for business, or amount to mental derangement; and you have said, the King is so indisposed now; when did the symptoms become so urgent as to amount to incapacity for business and to establish a character of mental derangement?—His Majesty's symptoms increased rapidly on the 28th of October.

In point of fact, did his Majesty transact any public business, to your knowledge, between the 25th and 28th of October?—I do not know.

Up to the 28th, was his Majesty in a state to transact public business?—I think so; I think the King could transact public business.

Are the Committee to understand, that, up to the 28th of October, and on the 29th of October, his Majesty was in such a state as, if he had been a private individual, he would have been intrusted with the transaction of any thing in the management of his own concerns?—I think you would not have been justified, in taking from any individual, the power of transacting his own business, if, under the circumstances that his Majesty was, I think I might say, to the night of the 27th of October.

Has the treatment of his Majesty, in your opinion, in every respect, both as to the introduction of persons, and the system of management, as well as the system of medicine, been perfectly proper?—I believe so.

You have been acquainted with the system of management, in the most minute particularity?—Yes.

And have known of every person introduced to the King?—Certainly.

And every thing in the system of medicine, and the introduction of persons to the King?—I believe so.

There has been no person introduced to the King, whose introduction has excited any aggravated degree of indisposition?—Certainly not.

What is the state of the King's mental health to-day, as compared with the state of his mental health on the 25th of Oct.?—He is by no means so well as he was on the 25th of October.

What is the state of the King's health to-day, as compared with the state of his health on the 28th of October?—I think not quite so well as it was on the 28th of October.

You have stated, that there is an amendment in the King's health?—Yes.

If he is not so well as he was on the 25th, nor so well as he was on the 28th of October, with what period do you draw your comparison of the present day, when you say there is a state of amendment?—The first week of November more particularly.

Has the King had, what may be called, a relapse, since the examination of the privy council?—The King has had, what we speak of in medical terms as, a paroxysm, since that time.

Has that paroxysm been one of a violent nature?—It has been one of a violent nature; but not of so long a duration as the previous ones have been.

Has the remission, since that paroxysm, been so complete, as it had been subsequent to other paroxysms of the same nature?—I think not quite so complete.

Has sleep the desired effect upon the King, generally and constantly; when he obtains sleep, does he appear to be more refreshed, and to be more composed in consequence of it, than when he has passed nights without sleep?—Certainly; always to be more composed after sleep.

Invariably?—I think so.

Have any of the royal family seen the King, since the 25th of October?—Yes.

Since the 27th?—Yes; I think the last time the Queen saw the King, was on the 29th; and her Majesty was the last of the royal family who has seen the King.

Have any other persons, except his medical attendants, and those introduced by his medical attendants, for the purpose of administering to his medical health or comforts, seen the King?—Yes.

At what period?—The Chancellor has seen the King, twice, and I think Mr. Perceval has seen the King.

When did the Chancellor first see the King, subsequently to the 25th of Oct.?—I think it was on the 29th of October; but I am not quite certain, that the Chancellor saw the King on that day.

When did the Chancellor see the King, the second time?—Last Wednesday.

Were you present at the first interview between the Chancellor and the King?—Yes.

Was it, by his Majesty's desire, that the Chancellor was introduced to him the first time?—Upon mentioning to his Majesty, that the Chancellor had come to Windsor, to enquire after him, the King expressed a desire to see him.

Was the King informed, always, of the arrival of the Chancellor, or persons of that eminence at Windsor, to enquire after his health?—Not always.

Was it by the Chancellor's desire, the King was then informed of his arrival at Windsor?—No, I believe not.

Who informed the King?—I think I did myself, but I am not sure.

You, of your own motion, without being desired by any body, informed the King, the Chancellor was arrived at Windsor to enquire after his Majesty's health?—Yes; my colleagues were acquainted with my intention of informing his Majesty, that the Chancellor had arrived at Windsor to enquire after his health.

Did all the physicians concur, in the propriety of giving his Majesty that information?—Yes.

You were directed, by the physicians, to give that information?—It was agreed upon, amongst us, that that information should be given.

Did you consult the other physicians, before you introduced the Chancellor, in consequence of the King's request, that he might be introduced, on hearing that he had arrived at Windsor?—Yes.

Did they concur in the propriety of the interview, between the King and the Chancellor?—Yes.

After that consultation of physicians, did you, yourself, introduce the Chancellor to the first interview?—Yes, I did; the other physicians being present.

Were all the physicians in the room at the time?—I think they were; if they were not, the door was open, and they were in the next room.

Were you, yourself, in the room?—Yes.

What effect had that interview upon his Majesty?—The King expressed great satisfaction at seeing the Chancellor.

Had it a beneficial effect upon his Majesty's mental health?—I do not think it made the least difference.

At the second interview, to which the Chancellor was admitted, did you communicate to the King, that the Chancellor was arrived at Windsor?—Yes.

Did you propose, to the King, to see the Chancellor the second time, or did the King desire it?—I must state the circumstance: On the preceding morning (the Tuesday) I found the King involved in a great many errors and misconceptions; and I took the liberty of using the Chancellor's name, entirely as a medical expedient. It occurred to me, that the mention of his name, would extricate him from those errors; and it had that effect. In consequence of this, I ventured to say, that it was probable the Chancellor would be at Windsor within a day or two; feeling convinced, that the temporary restraint under which his Majesty would hold a conversation with the Chancellor, might be of use in the future conduct of himself. On that ground, I proposed that his Majesty should see the Chancellor when next he came.

To whom did you propose that he should see the Chancellor, when next he came?—To the King himself.

Did you consult your colleagues, before you made that proposal to the King?—No; I took this entirely on myself; finding the King under the circumstances I have stated above, it was the determination of the moment.

When did you communicate to your colleagues, that you had made this proposal to the King?—Shortly after; on the same day.

Did they concur in the propriety of the interview taking place?—No objection whatever was made.

When did you inform the Chancellor, that you had made that proposal, or that the interview was to take place?—The Chancellor arrived on the following day, and it was then communicated to him.

Who introduced the Chancellor, to the second interview with the King?—I did.

Who was present in the second interview with the King?—Nobody, but the Chancellor; I left the room, when I had introduced the Chancellor to the King.

Do you know whether the restraint, you hoped would be produced, on the King's mind, by an interview with the Chancellor, was in point of fact produced?—I have very good reason to believe so.

Have you found, by experience, that any beneficial effect has resulted from that interview?—I really think it has.

Have you, in consequence of that beneficial effect having been produced, advised the renewal of the interview?—No.

Compared with the state of the King's health on Tuesday, is his Majesty better to-day than he was on Tuesday?—I think he is much the same.

How long did that beneficial effect continue?—The King, throughout the day, alluded to the conversation with the Chancellor several times, and seemed to be a little less under the influence of those errors; he seemed to be rather more easily dispossessed of those delusions.

How soon was that benefit lost?—I do not think it is altogether lost now.

When did Mr. Perceval see the King; on, or since the 25th of October?—I think it was on the 29th of October.

Was Mr. Perceval introduced to the King, at his Majesty's desire?—His Majesty expressed a great desire to see Mr. Perceval; having understood that he had come to Windsor, to inquire after his health.

Did you communicate to the King, that Mr. Perceval also was at Windsor?—Yes, I think so.

Was that, by the request of all the physicians?—With the knowledge of all the physicians.

Did they know, that Mr. Perceval was to be introduced to the King, before he was introduced?—Yes; and concurred in the propriety of it.

Were you present at the interview between Mr. Perceval and the King.—Yes.

How long did it last?—I should think about six or seven minutes.

Was any beneficial effect, or otherwise, produced by that interview?—No injurious effect, certainly; I do not know that I could state, that any beneficial effect was produced by it.

When was Mr. Perceval admitted to an interview, the second time?—I do not recollect that any second interview took place.

How long did the first interview with the Chancellor last?—About eight or nine minutes.

Was the King under any self-restraint, at the first interview with the Chancellor?—Yes, I think he was.

And yet, no beneficial effect was produced from that interview?—I do not remember that any particular good was derived from it.

From the second interview, at which you were not present, you think beneficial effect was produced?—I do.

Do you know whether the King was under any greater degree of self-restraint at the second interview, than he was at the first?—It is hardly fair to make a comparison between the circumstances of the King on the first interview and the second; it was at the distance of six or seven weeks; the symptoms were not the same.

You having been present, and the other physicians either present or in a room immediately adjoining, with the door open, when the Chancellor had his first interview with the King, and when Mr. Perceval had his interview with the King; how came the physicians to leave the room entirely, when the Chancellor had his second interview with the King?—It seemed desirable that the Chancellor should form his judgment of the state of the King, uninfluenced by the presence of any other person.

Judgment, for what purpose?—No particular purpose; in the first interview with the Chancellor, it seemed very desirable that the Chancellor should be able to state to parliament, what the state of the King was.

Did the Chancellor, himself, express a wish to see the King, for the purpose of being able to state to parliament, what the state of his Majesty was?—I do not remember that the Chancellor expressed such a wish; I think it was rather the wish of the physicians in the first instance.

In the second instance?—In the second instance, I had taken upon myself to use the Chancellor's name, for the particular medical purpose I stated before; and having made that intimation to the King, all the physicians were of opinion, that it was not proper to run the risk of the irritation, which a dissappointment in the King's expectation might occasion.

What led to any idea, that a disappointment to the King was likely to occur, after you had made the proposal, communicated that proposal to the other physicians, and that proposal had met with the concurrent assent of the other physicians?—We have always thought it proper to observe our promises to the King religiously.

What led to any idea, that that promise would be broken, in this instance?—When the Chancellor arrived, and I intimated to the Chancellor, that I had given such an intimation to the King, and that the King had seemed satisfied with the expectation of seeing him, one of the physicians expressed an apprehension, that it might be injurious to the King to see the Chancellor.

Which of the physicians expressed that apprehension?—Dr. Robert Willis.

Did he concur, ultimately, with the other physicians, or was he over-ruled?—We found, on enquiry, that the King was in anxious expectation of the Chancellor; and it was thought better, under those circumstances, that the King should see the Chancellor.

Did Dr. Robert Willis, then, express an opinion, that if he had known before, that the proposal was to be made, he should have objected to it?—I heard the objection for the first time, when we were with the Chancellor.

Was that the first time that it was communicated to Dr. Robert Willis?—No; Dr. Robert Willis, I believe, knew the fact before.

Did Dr. Robert Willis know the fact, on the Tuesday, at the same time as the other physicians?—I believe he did.

Was it discussed, in the presence of Dr. Robert Willis, with the other physicians?—Yes.

Did Dr. Robert Willis take any part in the discussion?—He made no objection, certainly; it was not too late at that time, to have prevented the interview, had any objection been made by any one of the physicians.

Has Dr. Robert Willis any particular charge of the King's person, more than the other physicians?—I think not.

Have you observed that the King is under more restraint before Dr. Robert Willis, than before the other physicians?—I think not.

Are there any persons, before whom the King is under more restraint than others, of his medical attendants, or attendants upon his person?—I think not.

Do you conceive the circumstance of the defect of his Majesty's sight, to have any influence of any kind, upon the present state of his disorder?—I think hitherto, it has been an advantage, that his Majesty is without his sight; because we have been able to conduct him with less irritation.

Do you think it will continue to be an advantage, and will tend to promote his ultimate recovery?—When his Majesty begins more decidedly to recover, I think it will be a disadvantage, by precluding certain sources of amusement.

You have said, that you never thought his Majesty's recovery would be speedy; what particular portion of time is within your calculation, when you use the word speedy?—I speak of some weeks.

How many weeks?—I cannot pretend to say.

Can you form any thing like a satisfactory conjecture, of the duration of his Majesty's illness?—No, I cannot.

Do you think his Majesty's recovery as near now, as you thought it the day you were examined before the privy council?—I do; I do not observe that his Majesty's faculties seem in any respect impaired by the continuance of his disease; so far his Majesty's perception is clear and keen; his memory, which is the first faculty usually observed to be influenced and to be injured by this disease, and which is the first to feel the effect of age, is sound and strong; his judgment is in eclipse.

Has his Majesty had any fresh access of the disorder, since you were examined at the privy council?—I stated, before, that his Majesty had had, what we consider another paroxysm, of the disorder; the disorder prevails in paroxysms; and I stated, that that was a severe paroxysm, but of shorter duration than the others have been.

I think you also stated, that the recovery from that paroxysm had not been quite so complete?—Not quite so complete.

Has the remission of the disorder continued as long, as the remission of the disorder that took place after other paroxysms?—Yes; but has not been quite so complete.

Does that circumstance influence your opinion at all, with respect to the probable duration of his Majesty's illness?—It gives me reason to think, that the illness will be still of some duration.

Do you feel yourself quite unable to declare, of what duration it is likely to be?—I do.

You have stated, that the memory is one of the first faculties which fails, under this disease; have you not seen patients, who have never been cured, whose memory has been retentive to the greatest possible degree, and even more retentive or more vivid than during the periods of mental health?—I do not know that I can recollect an instance of that kind, at this moment; I speak of it as usually the case.

Supposing the King to be in the same state, in which he was between the 25th of October and the 27th at night, would you feel yourself justified in declaring that he was competent to the transaction of public business?—I believe so.

You would deem that a perfect mental recovery?—I think there is a difference, between the commencement and the termination of an illness; you would require something more in the one, than in the other. I wish to express, what I have done in a former part of my evidence, that I conceived the King competent to the transaction of public business, till the 27th at night.

If the King were, now, in the same state after his illness, in which he was for some days previous to the 27th of October, would you state that he ought to discharge his public functions?—I should conceive the King was competent, to transact public business.

Of every kind, without any exception?—Yes, I think so.

What do you mean, when you speak of his Majesty's manner being hurried?—His conversation is more rapid, and his thoughts occur more quickly in succession one upon another, than in a state of perfect health; his conversation connected, but too rapid.

Not wandering from one subject to another?—No.

Do you think that his Majesty's increased age, since the period of his last attack, renders final recovery more or less probable, than it did at the period of the foregoing attack in 1804?—I cannot compare the circumstances; but there is no apparent failure in his Majesty's constitution at this moment.

Has increased age, any influence upon the probable final recovery of a patient in his Majesty's circumstances?—I should think so; that it was rather more disadvantageous; but there does not appear, in his Majesty's case, at this moment, any vital failure in the constitution.

Has increased age any influence upon the probability of a speedy recovery; does increased age tend to afford a probability, of either a retarded or a quickened recovery?—It would tend to a more tardy recovery.

Do you think the apprehension on the mind of a patient, of the recurrence of mental malady, after repeated attacks, has any and what effect in producing a renewal of such attacks?—I should think, it would make the patient more susceptible of the influence of such external causes, as would produce the disease.

Was it on the same day, that the lord Chancellor and Mr. Perceval saw the King, which you have stated to be, according to your recollection, the 29th day of October?—It was not the same day; I do not recollect the day precisely.

You have said that you entertain very high expectations of the King's recovery; state the grounds on which those expectations are founded.—I find no injury done to the King's faculties, by his disease, hitherto; and I do not observe any failure in his Majesty's constitution. [Withdrew.

Dr. Robert Darling Willis, called in; and examined.

Acquaint the Committee, whether the state of his Majesty's health is such, as to render him incapable of coming, in person, to his parliament, or of attending to any kind of public business.—His Majesty is incapable of coming to parliament, or of attending to any public business.

What hopes do you entertain, of his Majesty's recovery?—I entertain confident hopes of his Majesty's recovery.

Do you found that opinion, upon the particular symptoms of his Majesty's disorder; or, upon general experience, in other cases of the same nature; or, upon both?—I found it upon both.

In that particular species of the disorder his Majesty has fallen into, has it been found from experience, that the greater number of persons, so affected, have been cured?—I believe the greater number of persons are cured.

Can you form any judgment, or probable conjecture, of the duration of his Majesty's illness?—No; I can form no judgment of its duration.

As far as experience enables you to judge of his Majesty's disorder, do you think it more probable, that his Majesty will, or will not recover, so as to render him capable of attending to public business?—I think it more probable, that his Majesty will, recover, so as to render him capable of attending to business.

What degree of experience have you had, yourself, in this particular species of disorder?—I have had very considerable experience in this particular species of disorder.

Has any amendment already taken place in the course of his Majesty's disorder; and does the appearance of such amendment continue at present?—A considerable amendment has taken place, from the commencement of his Majesty's disorder: which still continues.

What difference is there, if any, between the state of his Majesty at present, and that in which he was, when you were examined before the privy council?—It is extremely difficult to measure degrees of a complaint of this sort; the character of it has, in some measure, changed; but I think his Majesty, upon the whole, full as well now, as when I was examined before the privy council.

Did you ever attend his Majesty before,

in complaints of this kind?—In the year 1801.

Is the character of the present complaint the same as that in the year 1801?—In the commencement, it was exactly similar.

How in its progress?—In its progress also.

Do you conceive, that his Majesty's increased age, since that period, is at all likely to influence, one way or the other, his ultimate recovery?—Judging from the symptoms of the case, I have no reason to think the age will have any influence.

Do you think, the defects of his Majesty's sight, will have any influence, one way or other, on his ultimate recovery?—I think it may be the means of retarding his recovery, but not of preventing the ultimate recovery.

Do you think that his Majesty's increased age, will have any influence upon the duration of his disorder?—I do not consider that, in this instance, the age will have any influence upon the disorder.

Have you ever met with a case, in your practice, that you consider as parallel to that of his Majesty?—If age is necessary to make up the parallel, perhaps not.

Have you ever known a person, as old as his Majesty, and with the same defect of sight, recover from a derangement of mind?—I have never seen a person, at his Majesty's age, labouring under a similar complaint to his Majesty's, taking all the circumstances of the complaint together.

In the general run of cases, which have come within your knowledge, in the course of your practice, has increased age, in your opinion, had any influence upon the recovery of the patient, or otherwise?—Not, where the case was exactly similar to his Majesty's.

I understood you to say, you had never met with a case exactly similar to his Majesty's.—Taking age and other circumstances of his Majesty into consideration.

In the general run of cases, which have come under your observation, do you conceive the age of the patient to have had any influence upon his complaint?—It may be difficult to answer that question, without stating the particular species of his Majesty's complaint: his Majesty's complaint does not appear, to me, to be connected with age; it is a complaint, produced by an accidental circumstance, which would have produced that complaint, at any time, in his Majesty, during the last twenty-two years. There is no mark of age in the symptoms; there are none of those symptoms, which usually attend complaints of that description, arising from age; and it appears to me, therefore, that his Majesty is as likely to recover, notwithstanding his age, from this complaint, as he would from any other accidental complaint he might labour under.

Have you known several instances of persons, who have laboured under derangement of mind, at particular and different periods of their lives, with intervals between the dates of derangement?—Several.

Have you considered such persons, as more or less likely to recover, in consequence of advanced age?—The opinion must depend upon the symptoms of the case at the time.

Do you, then, consider increased years, as a circumstance not bearing, in itself, or carrying, in itself, any influence upon a complaint of this nature?—Generally speaking, age would have a considerable influence; but no symptoms, which in general arise from age in other persons, have made their appearance in his Majesty: I therefore conclude, that age will have no effect here.

Do you conclude, that age, in an unbroken constitution, has no influence upon the probability of recovery, or otherwise, from this disorder?—Provided I saw no symptoms of the effect of age in the individual, I should say not.

Can you at all contemplate in your own mind, any period in which you think his Majesty's recovery likely?—No.

You attended the King in the year 1801, for the first time?—Yes.

Did you sign the bulletins that were issued in that illness?—No.

Did you see the bulletins that were issued in that illness?—Yes, I did.

Did you concur in the propriety of those bulletins, as expressing the real state of the King's health to the Public?—Yes, I did.

Did you concur in the opinion, expressed to the Public by the Physicians, by the cessation of the bulletins, that the King was perfectly recovered?—To the best of my recollection, the King was recovered, and fully capable of doing business; there were some little remains of hurry about his Majesty; nothing further, that I have any recollection of.

Do you mean to say, that those marks of hurry about his Majesty, were apparent at the time the bulletins ceased, and the Physicians thereby announced to the

Public, that his Majesty was perfectly recovered?—The symptoms of hurry, certainly, occasionally remained.

Were the symptoms of hurry such as to create a necessity for any restraint upon his Majesty, after the bulletins ceased?—Not till a relapse took place.

A relapse, then, did, in point of fact, take place, after the illness in the year 1801?—A relapse took place, after the bulletins ceased.

What interval was there, between the cessation of the bulletins and the relapse?—I have no means of ascertaining, at this moment, when the bulletins ceased.

What length of time, do you conceive, took place between the cessation of the bulletins and the relapse?—I have a perfect recollection of the relapse, but I have no recollection when the bulletins ceased.

Between the cessation of the bulletins, and the relapse, did his Majesty transact public business with his servants?—His Majesty's servants had access to him.

Had they access, after the usual manner, without the presence or permission of any medical attendant, or any person deputed by any medical attendant?—Certainly.

Nobody was ever present, at the time the interviews took place between his Majesty and his servants?—Not to my knowledge.

When, and where, did the relapse decidedly shew itself?—At the Queen's house, on the 14th or 15th of March.

By whom was it first perceived?—I really cannot call that to my recollection.

Had you been in the habit of visiting the King, occasionally, from the time of the cessation of the bulletins, to the period of the relapse decidedly taking place?—I had not ceased to see the King, daily.

When did you, yourself, perceive the symptoms of a decided relapse in the King?—I presume, either on that evening or the next morning.

How long did that relapse continue?—But a very short time, with any violence.

How long was it, before his Majesty was restored to the state, in which his Physicians had reported him to be perfectly recovered?—It is impossible for me to charge my memory with the number of days, at this distance of time; to the best of my recollection, a few days only.

When did you discontinue your attendance, upon the King, altogether, in the year 1801?—On the 3d of June.

Had the King's hurry, which you have described, entirely ceased, before you ceased attending upon the King?—I think, not entirely.

Do you conceive those hurries, were vestiges of and dependent upon the mental complaint of the King?—Certainly.

When you speak of the King's recovery, for the purpose of transacting public business, do you understand it in the same way, as you would, the same words applied to an individual, that he was competent to the transaction of all his business, public and private, and the complete management of his affairs?—Most assuredly.

Since you ceased to attend the King, in June 1801, when were you since called to his Majesty?—On the 6th of last month.

Did not you attend the King, in the year 1804?—No.

Since you have been called in, to the King, do you recollect having objected to any proposal, made for an interview between the King and the lord Chancellor?—Yes.

Had you known, that it was intended to propose to the King, to see the Chancellor, should you have objected to his being told of it?—I should, certainly, have objected.

Do you think that any beneficial effect was produced, to his Majesty's mental health, by the interview between the King and the Chancellor?—No.

Has any prejudicial effect resulted from it?—I am not aware that any prejudicial effect arose.

On the night of the Chancellor seeing the King, did you see any effect, good or bad, produced, that you attributed to the visit of the Chancellor?—Not that I could attribute to the visit of the Chancellor.

What was the reason assigned, by the physicians, for wishing the King to see the Chancellor?—Some of the physicians had formed an idea, that the Chancellor would have some influence on the King's mind.

In point of fact, was the King worse that night, than he had been the preceding night?—The King had a remarkably good night.

When did you last see his Majesty?—This morning, about eight o'clock.

What was his state, at that time?—Nearly in the same state that the King has been, for the two or three last days.

Had he passed a good night?—A tolerably good night; not equal to the preceding.

Do you esteem it an unfavourable circumstance, that sleep should not be attended with its natural effect of refreshment and composure, in a malady of the nature of that, with which the King is affected?—It only marks the stage of the complaint. It uniformly takes place, early, in complaints of this description, that sleep does not benefit the mind, it only recruits the constitution at large.

Does sleep, now, benefit the King's mind, more than it did in the earlier stages of this disorder?—Most undoubtedly.

Does it benefit his mind, as much as it did in the corresponding stages of his disorder, heretofore?—I am scarcely able to discover the exact parallel situation.

Have you now, or had you lately, under your care, any patients of the age of the King?—Not affected exactly as his Majesty is.

Have you had any patients, mentally deranged, of or about that age?—No, I think not.

Have you had patients, mentally deranged, of about the same age, under your care?—I have had persons, under states of insanity, of the King's age; not perhaps under mental derangement similar to the King's.

What is the distinction, between mental derangement, and insanity?—The Committee must be aware of the extreme difficulty of giving a definition, unpremeditated. I will describe the character of the different states: I consider the King's derangement, more nearly allied to delirium, than insanity; whenever the irritation, in his Majesty, arises to a certain point, he uniformly becomes delirious. In delirium, the mind is actively employed upon past impressions, upon objects and former scenes, which rapidly pass in succession before the mind, resembling, in that case, a person talking in his sleep. There is also a considerable disturbance in the general constitution; great restlessness, great want of sleep, and total unconsciousness of surrounding objects. In insanity, there may be little or no disturbance, apparently, in the general constitution; the mind is occupied upon some fixed assumed idea, to the truth of which, it will pertinaceously adhere, in opposition to the plainest evidence of its falsity; and the individual is acting, always, upon that false impression: In insanity, also, the mind is awake to objects which are present. Taking insanity, therefore, and delirium, as two points, I would place derangement of mind somewhere between them. His Majesty's illness, uniformly, partakes more of the delirium than of the insanity.

Do you mean to say, that the King is at any time unconscious of surrounding objects?—When I first saw his Majesty on the 6th of November, he was perfectly unconscious of surrounding objects.

Was that his state on Tuesday last?—No.

Was there derangement on Tuesday?—There was derangement on Tuesday.

Then, on Tuesday, did his Majesty's disorder bear the characteristic of insanity, and on the 6th of November of delirium?—It has never borne the characteristic of insanity; it never gets beyond derangement, according to the scale I have just laid down.

Does this apply to the illness of 1801, as well as to the present?—Strictly.

What is the present state of the King's bodily health, in your opinion?—The King is far from being in a good state of health, at this time.

Are there symptoms of bodily indisposition, sufficient to account for all the derangement of mind, which is perceived in his Majesty?—Fully sufficient to account for the present symptoms of the state of his mind.

Is there a greater absence of sleep now, than there was a fortnight ago?—For six days, there was more regular sleep, than there has been for some days past; when I say a fortnight, I am perhaps not quite accurate to the time.

Do you attach any, and what importance, to a patient, having previously had repeated attacks of mental disorder?—Provided I see no consequences arise from the repetition of the disorder, I should attach no importance to it.

In his Majesty's case, have you observed any consequences of the kind you allude to?—I have observed none.

Did not the Chancellor know, before he was actually introduced to the King, that you concurred, upon the whole, in thinking it would be better he should see the King, than that he should not?—Having started the objections, which I did, to the Chancellor's admission, I proposed going over to the King, to see in what state of expectation his Majesty was; knowing, that he had been apprized of the Chancellor's visit to Windsor. I found him, then, in such a state of expectation, that it was a doubt whether as much irritation would not arise, from keeping the Chancellor away, as from admitting him; and I therefore assented, as a choice of evils, that the Chancellor should go in.

Having stated, that his Majesty's complaint is more nearly allied to delirium than insanity; will you have the goodness to state, whether, in your opinion, it is on that account, more easily cured?—On that account, I think it much more easily cured.

In your opinion, has the apprehension on the mind of a patient, of the recurrence of mental malady after repeated attacks, any, and what effect, in producing a renewal of such attacks?—It must depend, very much, on the nature of the mind of the individual, no general reasoning could be formed, on that question.

Do you think it has on the mind of his Majesty?—I have no reason to think it has.

Are relapses more to be apprehended, on the recurrence of the malady, than after the period of the first attack?—I do not know that it is, necessarily, to be looked for; it has, certainly, taken place in this instance.

If a patient had been under your care more than once, would you not expect the return of that patient, more than after the first attack?—Certainly. [Withdrew.

Lunæ, 17 die Decembris, 1810.

Dr. Matthew Baillie, again called in.

The following Extract, from the former evidence of Dr. Baillie, was read:

"When were you first called in, to see the King?"—"I believe, it was the 25th of October."

Dr. Baillie.—I wish to state, that I find it was the 26th of October.—I spoke to his Majesty on the 25th; but not formally, although it was about his health.

On the 25th, when you attended the King, not in the capacity in which you subsequently attended him, did you observe any thing particular in his Majesty's manner?—He was hurried in his manner. That is the observation that I have made in my memorandum; that his pulse was at 90, and his conversation was hurried, and a little desultory; that is, passing from one thing a little rapidly to another: that was at three o'clock.

On the 26th, the Committee is to understand, the King's malady was established?—I saw him formally, as a physician, on the 26th: his conversation then was certainly very much hurried; but I see, in my memorandum, that it was not irrational although hurried, and not very well connected. I should not have trusted to my memory for that, but I find that in my memorandum book on that day.

Did you think on the 26th, from what you observed in his Majesty, that he was capable of conducting business?—I really cannot give a very accurate answer to that question; I should rather think that he was not capable, but I would not take upon me to say that that is a perfectly accurate answer.

The following extract from the former evidence of Dr. Baillie, was read:

"Have any of the royal family seen the "King since his indisposition?—Not as far "as I know: I believe at the time he was "beginning to be hurried at first his fa-"mily saw him; but since the disease es-"tablished its character, I believe none of "the royal family have seen him; I be-"lieve nobody since the 25th of October."

Dr. Baillie.—I wish to state, by way of correction, that the Queen and three of the Princesses saw the King on the 27th of October. The Queen, by herself, (that is, without the Princesses) saw the King for a little time on the 28th of October; and I understand likewise upon the 29th, for a short time.

Since you have been in attendance, in whose custody has the King been; and in whose custody do you apprehend his Majesty to be now?—I should consider that the King was principally in the custody (if I may use the phrase) of Dr. Robert Willis. If I am asked, whether he is exclusively in the custody of Dr. Robert Willis, I should say, No; that he takes in a great measure the management of the persons that are more immediately about his Majesty's person; but sometimes directions have been given by the other physicians.

When were you first in the habit of seeing the King?—I first saw the Princess Amelia on the 26th of December last; and every time that I saw the Princess Amelia, as far as I recollect, I was with the King afterwards, so as to have a good deal of conversation with his Majesty.

From the period at which you began to be honoured with conversations with the King on that subject, did you at any time before you were consulted by his Majesty, on the 25th of October, perceive any of that hurry and particularity of manner, which you have described yourself to have noted down on the 25th of October?—It occurred, I believe, two or three times, but not in any very strong degree; enough for me to remark it; but I understand it was more remarked by those who knew him better, than it was by me, not being so perfectly well acquainted with his natural manner as those who had been in the habit of living with him a great deal.

At what periods were those remarks first made by you?—I think only a few days before the 25th of October.

In the course of that month?—Yes: his Majesty's manner is never a very quiet manner, but I do not recollect any thing that struck me, except two or three days, perhaps, before the 25th of October.

Did you communicate to any body the remarks you had so made, previous to the 25th of October, upon the King's manner?—I believe there was no particular communication; but Sir Henry Halford, and Mr. Dundas, and myself, who had the audience of the King, might say, "I thought "there was a little hurry to-day," or something to that purport.

When did you last see the King?—I saw the King this morning.

What was the state of his Majesty's health?—He was, upon the whole, a little better, I thought, this morning; his pulse was less frequent than it has been for the last two or three days; and I thought him much less hurried, and what he said, was more connected, more like ordinary conversation. Upon the whole, I should say, he was a little better this morning.

The following extract, from the former evidence of Dr. Baillie, was read;

"Has any person, other than the royal "family, or his pages or attendants, seen "the King, since you have been in attend"ance upon his Majesty?"—Yes, the "lord Chancellor saw his Majesty the day "before yesterday."

Dr. Baillie.—I wish to add, that the Lord Chancellor saw his Majesty also on the 1st of November; and that Mr. Perceval saw him on the 29th of October.

Do you recollect whether Mr. Perceval saw the King on any other day?—I cannot call the circumstance distinctly to my recollection.

From any thing you have seen since you were last before this committee, can you form any conjecture as to the period of the recovery of the King?—I can form no conjecture whatever, in consequence of the distance of time between the two examinations. I think fully as favourably of the King to-day, as I did, when I was examined before.

Can you form any distinct opinion, of the period of the King's recovery, now?—No; I cannot. [Withdrew.

On the motion, That this Report be read,

The *Chancellor of the Exchequer* observed across the table, that from the great length of the Report, it would be inconvenient that it should be read at length by the clerk. On this suggestion, it was read short, and was ordered to be printed.

The *Chancellor of the Exchequer* then addressed the chair to the following effect:—Mr. Speaker, when last I had the honour of addressing you, I stated it to be my intention, should the report of the Committee appointed to examine his Majesty's physicians be delivered this day, to propose that the said report should be taken into consideration by a Committee of the whole House on Wednesday next: and that a subject so important should receive all due consideration, I then moved that on Wednesday the House should be called over for the purpose of insuring a full meeting. During my attendance, however, upon the Committee above stairs, this morning, I was given to understand that from the length of the report it was probable that the interval between this and Wednesday might be found insufficient to enable the printer to complete his task. Conceiving, therefore, that it will be much better to fix on Thursday for the approaching discussion, with the certainty that it will take place on that day, than to allow it to remain on the journals for Wednesday, with at least some little uncertainty as to the possibility of preparing by that period the necessary materials, I mean, Sir, to move that on Thursday the House do resolve itself into a Committee of the whole House on the State of the Nation, with a view on that day of referring the report which has just been brought up to the consideration of the Committee. I take this opportunity Sir, of stating to the House that on Thursday I propose to submit to the Committee three preliminary Resolutions, similar to those which were adopted by both Houses in the year 1788, and which resolutions are in the recollection of most of those who hear me.—The first will relate to the state of his Majesty's indisposition, and to his incompetence to discharge the royal functions; the second will declare the obligation imposed on the two Houses of Parliament to supply the deficiency in the executive authority thus occasioned; and the third will regard the manner to which the substitute for the royal authority is to be provided, by way of bill. On these three oints, it is indispensably necessary that each House should know the opinion of the other, before either can submit to the other the precise method which may be deemed the most expedient to meet the exigency of the occasion. It is my intention, Sir, on the same day, to take the liberty of stating to the House, the general outline of the plan of conduct which I mean to recommend for their adoption, under the present melancholy and calamitous circumstances. I trust that the House will not consider me as disrespectful towards them in contenting myself with having given this distinct notice, and in forbearing at the present moment, from entering into any detail or explanation of the plan which I intend to submit to their consideration. Not thinking it necessary further to occupy the attention of the House, I move, Sir,

"That this House do on Thursday next resolve itself into a Committee of the whole House, to take into consideration the State of the Nation."

Mr. *Ponsonby* expressed his acknowledgments to the right hon. gent. for the notice which he had given of his intentions, as far as that notice went. On his part he felt obliged to communicate to the right hon. gent. his sentiments on the propositions which he had just stated he should submit to the House on Thursday. With regard to the first resolution, respecting the unfortunate indisposition of his Majesty, and his inefficiency to discharge the regal functions, there could certainly be no difference of opinion. With regard to the second resolution, declaratory of the duty of the two Houses of Parliament to supply the deficiency in the executive authority, it was a subject for consideration, and the resolution itself might possibly require some amendment. But with regard to the third resolution, which the right hon. gent. had declared, that in conformity to the proceedings in 1788, it was his determination to propose, he would candidly state, that to such a proposition, the right hon. gent. must expect from him the most strenuous opposition. As the right hon. gent. had not thought fit to enter into any detail at present of the plan which he was about to submit to the consideration of the House, neither did he (Mr. P.) think fit to enter into any detail at present, of the reasons by which he should be influenced. He would content himself with briefly stating, in reference to the proceedings in 1788, that he for one, would never consent, by an imitation of those proceedings, to offer a fresh violation to the fundamental principles of the British constitution.

Mr. *Sheridan* complimented the fairness with which the right hon. gent. opposite, and his right hon. friend near him, had severally stated their respective intentions. He was far from regretting that an additional day was to pass before the discussion of this important subject. This delay would afford to the right hon. gent. opposite an interval for the re-consideration of the mode of proceeding which he had announced it as his intention to adopt. Even if the right hon. gent. had laid out of his consideration all the difference of circumstances between the present case and that of 1788, yet, in his opinion, he ought to prefer another and a more constitutional mode of proceeding. He conceived it impossible that the right hon. gent. could have adverted to all that passed on that calamitous occasion—that he could have adverted to the arguments urged in the debates at that period—that he could have adverted to the Letter of his royal highness the prince of Wales, of the 2d of January, 1789, in answer to the proposition which had been made to his royal highness—a letter, the doctrines maintained in which did his royal highness the highest honour. He was convinced that the right hon. gent. could not have looked at that letter without perceiving that the arguments which it enforced were unanswerable. There were two objects which under the present circumstances, it was indispensable to effect; the one, to supply the deficiency in the regal authority occasioned by the calamitous state of his Majesty's health; the other to do this, accompanied by the fullest security to his Majesty of the restoration to him of his undiminished rights whenever the prayers of the nation should be answered by the restoration of his Majesty's health. These objects might be obtained by two modes, and he thought it but fair to declare at this early period, that in his opinion (the opinion strictly of an individual) they might be obtained by a mode more simple, more secure, and more constitutional than that suggested by the right hon. gent. There was a precedent, which since the Union with Ireland it was equally proper for this House to look up to, the precedent of the Irish parliament in 1788, which voted an Address* to the prince of Wales, requesting his royal highness would be pleased to take upon him the government of this realm, and expressing the confidence of both Houses of Parliament, that the Prince would consent to exercise and administer according to the laws and constitution of the kingdom, all regal powers, jurisdictions and prerogatives to the crown and government thereof belonging. At the time of the Revolution, the representative convention proceeded on this wise principle. They addressed the prince of Orange, expressing their desire that his highness would take upon him the sovereign power, for the preservation of the religious rights, laws and liberties of the subject. That mode of proceeding which had been adopted by the best patriots, in order to maintain the rights and privileges of the people, might surely be again resorted to in order to maintain the rights and privileges of the Sovereign. By pursuing such a mode, the most hearty unanimity would be secured; the character of the royal power would remain undegraded; no unmerited stigma would be cast on his royal highness the prince of Wales, and the principles of the constitution would be preserved pure and inviolate.

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* The following are copies of the said Address, and his Royal Highness's Answer thereto:

To his Royal Highness George Prince
of Wales.

The humble Address of the Lords
Spiritual and Temporal and Commons in Parliament assembled.

"May it please your Royal Highness,

"We, his Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and the Commons of Ireland, in parliament assembled, beg leave to approach your Royal Highness, with hearts full of the most loyal and affectionate attachment to the person and government of your Royal Father, to express the deepest and most grateful sense of the numerous blessings which we have enjoyed under that illustrious house, whose accession to the throne of these realms has established civil and constitutional liberty upon a basis, which, we trust, will never be shaken; and, at the same time, to condole with your Royal Highness, upon the grievous malady with which it has pleased Heaven to afflict the best of Sovereigns.

"We have, however, the consolation of reflecting, that this severe calamity hath not been visited upon us, until the virtues of your Royal Highness have been so matured as to enable your Royal Highness to discharge the duties of an important trust, for the performance whereof the eyes of all his Majesty's subjects of both kingdoms are directed to your Royal Highness.

"We therefore beg leave humbly to request, that your Royal Highness will be pleased to take upon you the government of this realm, during the continuation of his Majesty's present indisposition, and no longer, and under the style and title of Prince Regent of Ireland, in the name, and on the behalf of his Majesty, to exercise and administer according to the laws and constitution of this kingdom, all regal powers, jurisdictions and prerogatives to the crown and government thereof belonging."

His Royal Highness's Answer.

"My Lords and Gentlemen,

"The Address from the Lords spiritual and temporal, and Commons of Ireland, which you have presented to me, demands my warmest and earnest thanks.

"If any thing could add to the esteem and affection I have for the people of Ireland, it would be the loyal and affectionate attachment to the person and government of the King, my father, manifested in the Address of the two Houses.

"What they have done, and their manner of doing it, is a new proof of their undiminished duty to his Majesty, of their uniform attachment to the House of Brunswick, and of their constant care and attention to maintain inviolate the concord and connection between the kingdoms of Great Britain and Ireland, so indispensably necessary to the prosperity, the happiness, and liberties of both.

"If in conveying my grateful sentiments on their conduct, in relation to the King, my father, and to the inseparable interests of the two kingdoms, I find it impossible adequately to express my feelings on what relates to myself; I trust you will not be the less disposed to believe, that I have an understanding to comprehend the value of what they have done, a heart that must remember, and principles that will not suffer me to abuse their confidence.

"But the fortunate change which has taken place in the circumstances which gave occasion to the Address agreed to by the Lords and Commons of Ireland, induces me for a few days to delay giving a final answer; trusting, that the joyful event of his Majesty's resuming the personal exercise of his royal authority, may then render it only necessary for me to repeat those sentiments of gratitude and affection for the loyal and generous people of Ireland, which I feel indelibly imprinted on my heart."

Mr. *Stewart* approved of the precedent laid down by the Irish parliament in 1788, and which had been alluded to by the last speaker.

The *Chancellor of the Exchequer* returned his thanks to the right hon. gent. who had spoken immediately after him, for the fair notice which he had given of his intended opposition. Both parties would now come to the discussion fully prepared to state the different views which they took of the subject. He should also have thanked the right hon. gent, who followed (Mr. Sheridan) for his explicitness, had he contented himself with his statement and spared his argument. He would not, however, be tempted by the example of the right hon. gent. to depart from the forbearance which he had prescribed to himself on the present occasion. When the right hon. gent. stated that the measure which he (the Chancellor of the Exchequer) had it in contemplation to propose, was inconsistent with the doctrines maintained in the Letter written by his royal highness the Prince of Wales, in 1789,* he must have forgotten that all which it had been stated that it was in contemplation to propose was, to give power to the Regent by Bill instead of by Address. And with respect to his royal highness's Letter, the argument which it contained was directed not against the manner in which it was in 1788 proposed to grant power to his royal highness, but against the particular nature and limitation of the power which it was proposed to grant. He would not be drawn in to state at present the details of the bill which he should have the honour of submitting to the House, but he trusted that no erroneous conceptions would be entertained of its nature and provisions. For the present, he should confine himself to the simple statement which he had made of the mode that it was his intention to recommend. When the details should be laid before the House he should endeavour to persuade them that his measure would not degrade the regal authority, that it would not offer the slightest insult to that royal character, for whom he entertained as high a respect as the right hon. gent., or any other man, and that it would not violate any fundamental principle of the British constitution. On these three points he trusted that he should be able to satisfy the House. He thought he should have it in his power clearly to maintain, that the majesty of the throne, the best interests of his royal highness the Prince of Wales, and the conservation of the true principles of the constitution, would be most effectually secured by the adoption of the course which he meant to propose.

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* The following are Copies of the Letter sent by Mr. Pitt to the Prince of Wales on the subject of the restrictions on the Regent, and also of his royal highness's Answer.

"*To his Royal Highness the* PRINCE OF WALES.

"Sir; The proceedings in parliament being now brought to a point, which will render it necessary to propose to the House of Commons the particular measures to be taken for supplying the defect of the personal exercise of the royal authority, during the present interval, and your royal highness having some time since signified your pleasure, that any communication on this subject should be in writing, I take the liberty of respectfully entreating your royal highness's permission to submit to your consideration the outlines of the plan which his Majesty's confidential servants humbly conceive, (according to the best judgment which they are able to form) to be proper, be proposed in the present circumstances.

"It is their humble opinion, that your royal highness should be empowered to exercise the royal authority in the name and on the behalf of his Majesty, during his Majesty's illness, and to do all acts which might legally be done by his Majesty; with provisions, nevertheless, that the care of his Majesty's royal person, and the management of his Majesty's household, and the direction and appointment of the officers and servants therein, should be in the Queen, under such regulations as may be thought necessary. That the power to be exercised by your royal highness should not extend to the granting the real or personal property of the King (except

Mr. *Adam* said, that though he admitted that the statement of the Chancellor of the Exchequer had been sufficiently candid, as far as it had gone, yet he did not think the right hon. gent. had gone far enough, by merely stating, that he meant to move

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as far as relates to the renewal of leases) to the granting any office in reversion, or to the granting, for any other term than during his Majesty's pleasure, any pension, or any office whatever, except such as must by law be granted for life, or during good behaviour, nor to the granting any rank or dignity of the peerage of this realm, to any person, except his Majesty's issue who shall have attained the age of twenty-one years. These are the principal points which have occurred to his Majesty's ministers.

"I beg leave to add, that their ideas are formed on the supposition that his Majesty's illness is only temporary, and may be of no long duration. It may be difficult to fix beforehand, the precise period for which these provisions ought to last; but if unfortunately his Majesty's recovery should be protracted to a more distant period, than there is reason at present to imagine, it will be open hereafter to the wisdom of parliament to re-consider these provisions, whenever the circumstances appear to call for it.

"If your royal highness should be pleased to require any further explanation on the subject, and should condescend to signify your orders, that I should have the honour of attending your royal highness for that purpose, or to intimate any other mode in which your royal highness may wish to receive such explanation, I shall respectfully wait your royal highness's commands. I have the honour to be, with the utmost deference and submission, sir, your royal highness's most dutiful and devoted servant, W. Pitt."

Downing Street,
Tuesday night, Dec. 30, 1788.

The Answer of his Royal Highness the Prince of Wales.

Carlton House, Jan. 2, 1789.

"The Prince of Wales learns from Mr. Pitt, that the proceedings in parliament are now in a train which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the Prince, the outlines of the plan which his Majesty's confidential servants conceive proper to be proposed in the present circumstances.

"Concerning the steps already taken by Mr. Pitt, the Prince is silent—Nothing done by the two Houses of Parliament can be a proper subject of his animadversion; but when previously to any discussion in Parliament, the outlines of a scheme of government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the royal authority, and the public welfare, may be deeply affected, the Prince would be unjustifiable were he to withhold an explicit declaration of his sentiments. This silence might be construed into a previous approbation of a plan, the accomplishment of which, every motive of duty to his father and sovereign, as well as of regard for the public interest, obliges him to consider as injurious to both. In the state of deep distress, in which the Prince, and the whole royal family were involved, by the heavy calamity which has fallen upon the King, and at a moment when government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the Prince, that a plan should be offered to his consideration, by which government was to be rendered difficult, if not impracticable, in the hands of any person, intended to represent the King's authority; much less the hands of his eldest son, the heir apparent of his kingdoms, and the person most bound to the maintenance of his Majesty's just prerogatives and authority, as well as most interested in the happiness, the prosperity, and the glory of the people!

"The Prince forbears to remark on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation to preclude the probability of any argument of his producing an alteration of sentiment in the projectors of it. But he trusts, with confidence, to the wisdom and justice of parliament, when the whole of the subject, and the circumstances connected with it, shall come under their deliberation.

"He observes therefore only, generally, on the heads communicated by Mr. Pitt, and it is with deep regret the Prince makes the observation, that he sees, in the contents of that paper, a project for producing weakness, disorder, and insecurity in every branch of the administrathe three preliminary Resolutions of 1788. He said, the question before the House regarded the mode of supplying the present deficiency of the regal power by a regency. Without explaining the nature of the measures which the Chancellor of the

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tion of affairs.—A project for dividing the royal family from each other; for separating the court from the state, and thereby disjoining government from its natural and accustomed support. A scheme disconnecting the authority to command service from the power of animating it by reward: and for allotting to the Prince all the invidious duties of government, without the means of softening them to the public, by any one act of grace, favour or benignity.

"The Prince's feelings on contemplating this plan, are also rendered still more painful to him, by observing that it is not founded on any general principle, but it is calculated to infuse jealousies and distrust (wholly groundless he trusts) in that quarter, whose confidence it will ever be the first pride of his life to merit and obtain. With regard to the motive and object of the limitations and restrictions proposed, the Prince can have but little to observe. No light or information is afforded him by his Majesty's ministers on those points. They have informed him what the powers are, which they mean to refuse him, not why they are withheld.

"The Prince, however, holding as he does, that it is an undoubted and fundamental principle of this constitution, that the powers and prerogatives of the crown are vested there, as a trust for the benefit of the people, and that they are sacred only as they are necessary to the preservation of that power, and balance of the constitution, which experience has proved to be the true security of the liberty of the subject, must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the supreme power or its representative; or which can justify the Prince in consenting, that in his person, an experiment should be made to ascertain with how small a portion of the kingly power, the executive government of this country may be carried on.

"The Prince has only to add, that if security for his Majesty's re-possessing his rightful government, whenever it shall please Providence in bounty to this country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the Prince has only to be convinced, that any measure is necessary, or even conducive to that end, to be the first to urge it as the preliminary and permanent consideration of any settlement in which he could consent to share.

"If attention to what it is presumed must be his Majesty's feelings and wishes on the happy day of his recovery, be the object, the Prince expresses his firm conviction, that no event would be more repugnant to the feelings of his royal father, than the knowledge that the government of his son and representative had exhibited the sovereign power of the realm in a state of degradation, of curtailed authority and diminished energy—a state, hurtful in practice to the prosperity and good government of his people, and injurious in its precedent to the society of the monarch, and the rights of his family.

"Upon that part of the plan which regards the King's real and personal property, the Prince feels himself compelled to remark, that it was not necessary for Mr. Pitt, nor yet proper, to suggest to the Prince, the restraint he proposes against the Prince's granting away the King's real or personal property.

"The Prince does not conceive, that, during the King's life, he is, by law, entitled to make any such grant; and he is sure that he has never shewn the smallest inclination to possess any such power. But it remains with Mr. Pitt to consider the eventual interests of the royal family, and to provide a proper and natural security against the mismanagement of them in others.

"The Prince has discharged an indispensible duty in thus giving his free opinion on the plan submitted to his consideration.

"This conviction of the evils which may arise to the King's interests, to the peace and happiness of the royal family, and to the safety and welfare of the nation, from the government of the country remaining longer in its present maimed and debilitated state, outweighs, in the Prince's mind, every other consideration, and will determine him to undertake the painful trust imposed upon him by the present melancholy necessity (which of all the King's subjects he deplores the most) in

Exchequer meant to found upon the concluding Resolution of 1788, it was impossible to understand the question. It was quite clear so far, that the right hon. gent. meant to proceed by a Bill—the unconstitutional course that was adopted at that period. But in order to have the question fairly before the House, it was necessary to know what that bill was to contain, what limitations or restrictions of the prerogative was to be proposed, and every particular respecting them. He said that the true constitutional line of proceeding was by Address, that that Address should be founded on Resolutions; that by this mode of proceeding, as the notice of his right hon. friend (Mr. Ponsonby) clearly conveyed, no restrictions could be intended by him, but that the Chancellor of the Exchequer's communication kept the House entirely in the dark as to his future measures, and did not put the matter on a fair footing, so as to give a clear understanding of the subject to those who were to deliberate and decide between the two modes of proceeding. From this imperfect communication the right hon. gent. was obliging the House to take a leap in the dark.—He said, that besides the Resolutions to address the Prince to take upon him the government in his Majesty's name, there would be Resolutions incorporated into, or to accompany the Address, which would secure his Majesty's person being placed under such care, and protected by such regulations, as would ensure the King's return to the discharge of his regal functions the moment that he should be in a capacity to discharge them. When these Resolutions, formed into an Address, were presented to his royal highness the Prince, the securities for the fulfillment of them by future statutary provisions would, as his right hon. friend (Mr. Sheridan) had said, be placed on the very basis upon which the liberties of the people were secured at the Revolution. He had given the fullest consideration to the grounds on which he had acted in 1788, and had reviewed with much anxiety all the arguments, and authorities, which that period had afforded; and he was perfectly convinced now, as he had been then, that Address was the true constitutional course; that all limitations on the prerogative were unconstitutional; that the prerogatives of the crown were trusts for the benefit of the people; and that they could not in the person of a regent, any more than in the person of a King, be abridged, impaired, or limited in one single point, without a violation of that most sacred principle. In whatever shape the question came, he should give such an attempt the most strenuous opposition, and for the same reason he should on Thursday next give his most hearty concurrence to proceed to address the Prince on the plan proposed by Mr. Ponsonby. Mr. Adam said, that it appeared to him to be impossible that when adjournment had succeeded adjournment; that when the right hon. gent. had so much time to reflect on this most momentous subject, he should not, in this the most momentous crisis of English history, have made up his mind upon the whole course of proceeding, as well as upon the Resolutions which he had announced for Thursday. He must repeat, therefore, that the House ought now to be informed of the whole of his plan, without which they were crippled in their opportunity to consider what was fit to be done in a moment of such anxiety, and in a question of so deep and interesting a nature.

The *Chancellor of the Exchequer* observed, that although he had, as he thought, stated his intentions very distinctly on this question, yet his hon. and learned friend appeared to have so much misunderstood him, that he found himself under the necessity of giving some further explanation. His hon. and learned friend must certainly have forgot what he had said with regard to the course of proceeding which he intended to adopt. He had said that he meant to propose on Thursday next the passing of certain Resolutions in the Committee on the State of the Nation, and that it was his intention to lay before the Committee on that occasion the measure which he proposed to found upon those Resolutions, if they passed, as fairly and openly as he should state them when he came to submit to the House the adoption of the measure itself. This he had distinctly stated; and if his hon. and learned friend thought that he should have taken an earlier and a different time for the com-

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full confidence, that the affection and loyalty to the King, the experienced attachment to the house of Brunswick, and the generosity which has always distinguished this nation, will carry him through the many difficulties, inseparable from this most critical situation, with comfort to himself, with honour to the King, and with advantage to the public."

munication, yet his hon. and learned friend would give him credit for having, before he came there, well weighed in his mind what was proper for him to do, and that it was not very likely he should be persuaded to give way at this time to his hon. and learned friend's argument.

Mr. *Whitbread* remarked, that if the right hon. gent. had made up his mind on the subject, he could not believe that there could be any objection to the desired communication. The only conclusion, therefore, he could come to was, that the right hon. gent. had not yet made up his mind with regard to the course he proposed to take; for it was hardly to be imagined but the right hon. gent. would have communicated it if he could.

The *Chancellor of the Exchequer* then moved, That the order for the Call of the House should be postponed from Wednesday to Thursday, stating, that on the latter day it was intended that the Call should certainly be put in effect. He also proposed that the House should, on its rising, adjourn till Thursday. Both motions were agreed to.

HOUSE OF LORDS.

Wednesday, December 19.

[King's Illness.] The House met at four o'clock. After a short interval

Earl *Spencer* rose, and observed, that he wished to ask a question of the noble lord opposite, or of any other of his Majesty's servants, with respect to the course of proceeding it was intended to propose on the present melancholy emergency. He was aware that he was irregular in thus asking a question, as to the course of proceeding, before the Report of the Committee appointed by the House, to examine the Physicians attending his Majesty, relative to his Majesty's state of health, was laid before the House: but as it would be a great convenience to many noble lords to be informed of the mode of proceeding which it was intended to propose, he trusted he should be excused for thus asking the question.

The Earl of *Liverpool* was aware that it would be a great convenience to many noble lords, from circumstances arising out of the present season of the year, and other considerations, to be informed of the mode of proceeding it was intended to propose, and he had no objection to satisfy the noble lord upon that head. It was the intention of his Majesty's servants to propose Resolutions upon the two branches of the subject which must now fall under the consideration of the House. The first related to the defect in the personal exercise of the royal authority, and to the mode of supplying that defect, if the House should be of opinion that it was necessary to proceed to fill up the personal exercise of the Royal Authority; and the second to the regulations which it might be deemed expedient to adopt, relative to such exercise of the royal authority. Upon the first branch of the subject, it was intended in the resolutions to be proposed to adhere strictly to the precedent of 1788, that being the course which in his opinion was in strict conformity with the history of the country, and with the constitution. It being the course pointed out by the constitution, it must be the same at all times, and therefore, the mode of proceeding intended to be proposed would be the same as in 1788. With respect to the second branch of the subject, the regulations fit to be adopted respecting the mode of exercising the royal authority, that was a question of expediency, and the course of proceeding must be liable to variation according to the alteration of circumstances. He must, therefore, decline stating more precisely what course of proceeding upon that part of the subject it was intended to propose. Upon the former branch of the subject there could be no difficulty in stating an intended strict adherence to the precedent of 1788. With respect to the time, their lordships would have observed by the votes of the House of Commons, that to-morrow was fixed upon by that House for the consideration of this subject. If, therefore, there was any probability of that House having any communication to make to their lordships' House by Saturday, he should propose that their lordships should meet on Saturday for the purpose of receiving that communication. The discussion of that communication, from the circumstance of Tuesday being Christmas day could not conveniently take place on Monday; he should have no objection to Wednesday, but understanding the succeeding day would be more convenient to several noble lords, he should propose Thursday for the discussion.

Earl *Spencer* rose again. He thanked the noble lord for the explanations he had given him on some points. However premature he might be, in offering his own sentiments, yet he could not refrain from saying a few words then, lest he might afterwards be told, that by his silence that night he had in any manner precluded himself from the advantage of delivering his opinions on points, whereon he most materially differed from the propositions intended. When this momentous subject was agitated in the year 1788, he was young in that House, and did not take any forward part in the discussion; but by his vote and protest he had then declared his disapprobation of the mode of proceeding, and the bill that concluded the whole. Since that period every thing that he had seen, heard, or read of, that had any relation to this subject, had tended to strengthen the conviction of his mind. Sorry as he was to differ with many, he must entreat their lordships to bring their minds with seriousness and solemnity to a careful consideration of the measures proposed, which were of the highest importance to the state; which must always have been so; but which the present critical circumstances of the country rendered more so than ever. If a defect in the kingly office existed, which he feared would to-morrow be proved to have unfortunately existed for many weeks, he thought that no delay ought to be suffered to take place in supplying such deficiency, the existence of which was fraught with so many alarming evils. The House ought at once to adopt the best mode, and with the least possible delay. In the proposed mode he saw only protraction and needless delays. The first resolution of 1788, he would suppose to pass without opposition, as it simply declared the fact of incapacity. To the second, however, he had various objections. But to the third he could not possibly assent, with the opinions he entertained of his duties to the crown and to the country. It was neither more nor less than an open breach, a violation and attack on the fundamental principles of our constitution. It was the duty of both Houses of Parliament to support the monarchy: but it was more peculiarly and specifically the duty of their lordships, the hereditary counsellors of the crown. At present they were without a parliament, there being only the two estates of the realm in activity. The mode of proceeding by Address was in all respects infinitely preferable. He could never bring his mind to the establishment of something in the shape of royal power to give authority to a Bill; but which he found it quite impossible to describe in constitutional language. From what he had heard from the noble lord, he must infer that it was intended to divide and share out the essential prerogatives and rights of the monarchy; an experiment which, thank God! was prevented from being tried on the former occasion by the fortunate restoration of his Majesty's health. He never could consent to such an experiment; and he entreated their lordships to consider this part of the subject fully, that they might see how hazardous, how perilous such an experiment must be! Let the whole monarchy remain entire, to be restored, unimpaired, to the hands of his Majesty, whenever it should please God to restore him to such a state of health as would enable him to resume his august functions. He could not see why farther delay should be occasioned by waiting for a communication from the Commons. There was no necessity for this, as their Lordships, as one of the estates of the realm, might and ought to proceed at once upon the subject themselves. To proceed as the noble lord had intimated, by a legislative measure, was, he contended, contrary to the constitution, inasmuch as they ought first to supply a third estate, the exercise of the authority of which was now unhappily suspended. To supply this defect in the personal exercise of the royal authority, at a crisis like the present, not a moment ought to be lost.—After various other observations, the noble earl stated, that having taken this opportunity of declaring his opinions, he should then move that their Lordships be summoned for to-morrow. He was not sure that he should submit any motion, but probably some noble friend might. He concluded by apologizing for taking up the time of the House in a premature stage of the proceedings.—The question being put from the woolsack,

Lord *Grenville* rose, and observed, that he thought his noble friend was by no means premature in the observations which he had submitted to the House. He differed, indeed, with him on some points, and as it was probable that he might be absent to-morrow, he was anxious to take the present opportunity of stating what were the leading sentiments of his own mind on this most important and interesting occasion. The House had now to proceed to the discharge of a most solemn duty—one which he must still contend they ought to have discharged at a much earlier period. If, as he much feared, the representations which had gone abroad should be confirmed by the Report of the

Committee, then, after establishing on the Journals of the House the fact of that calamity with which the kingdom was visited, there would be, as the noble earl opposite had justly said, two questions, perfectly distinct in their nature, to be submitted to their consideration. The first was, as to the right and duty of the two Houses, representing the estates of the realm, to proceed to supply the defect in the exercise of the royal authority; and the second related to that course of proceeding which it might be deemed expedient to adopt, founded upon the previous decision of the first. And before he went farther, he begged leave to correct an error into which his noble friend he was sure inadvertently had fallen, in calling the sovereign power of this country, the third estate of the realm. He had heard this expression with the more concern, for it was an error which was too prevalent, and which, in his opinion, had a tendency to misrepresent and degrade the monarchy. The nobility, the clergy, and the commons, represented in parliament, were the three estates of the realm, and the subjects of the sovereign head, the king. The noble Secretary of State had declined to give any statement, or to describe a general outline of those subsequent measures which it was the intention of ministers to propose in the present critical exigency of public affairs. His noble friend conceived the day fixed on by that noble earl too distant, and creative of unnecessary delay. But although he thought, and must ever think, that the time which had been already suffered to elapse was connected with most culpable omission—with a dereliction of their duties, and almost a breach of the allegiance which they owed their sovereign, he was not prepared to say, that the intervention of a few days between receiving the Report, and taking it into consideration, was not necessary to give both dignity and efficacy to their deliberations. He was sure that the report ought to be attentively read, and maturely considered, before noble lords made up their minds to the adoption of any measure founded upon that report, and arising out of the evidence detailed in it.—With respect to the course which, after recording the fact of the suspension of the executive authority on their Journals, it would be incumbent on that House to pursue, it was with pain that he found himself unable to concur with his noble friend. But notwithstanding those feelings, of which he was always sensible on differing with him, every principle of duty, and every suggestion of reason, united to impose on him that disagreeable necessity, and impelled him to declare his dissent from the doctrine which his noble friend had promulgated. More than 20 years had now passed since that period when he first stated his sentiments on this momentous question: many of them he had passed amid the active cares of public life, and others he had spent in, he trusted, not indolent retirement. He had since often and deeply considered the opinions which he had then avowed, he had regarded them as affecting every possible situation of public affairs, and brought to their review all the aid which the light of reading and research could afford him. The result of this reiterated and unwearied application of his attention served not merely to confirm, but to strengthen to the utmost degree what had then been the persuasion of his understanding. He believed he possessed sufficient manliness to be superior to the false pride of obstinately adhering to opinions which he was conscious had been refuted or disproved. No influence springing from recollections of this nature—no bias arising from affection, (and he should be unworthy of the name of man were he insensible of such an affection), to the memory of his departed friend, who conducted the precedent of 1788, would operate to deter him from openly retracting an erroneous sentiment, and from confessing the change which had taken place in the honest conviction of his mind, had such a change actually happened. Every argument, however, which he had heard, only tended to convince him that it was by legislative provision only, that any steps could be taken for supplying the defect of the royal authority, whenever such defect was regularly authenticated to exist. It was an essential principle of the constitution, that the political capacity of the crown was always entire, and he could not perceive by what constitutional rule the two Houses of Parliament could do any act whatever without the concurrence and exercise of that capacity. This he felt himself bound to declare as a Peer of Parliament, faithfully discharging the duty which he owed to his sovereign and his country—a duty which he sincerely regretted must cost him the pain of disagreeing with his noble friend.—On another point, however, he fully concurred with him, in disapproving and condemning any intention on the part of ministers of suspending the proceedings in that House, until those of the other House had been brought to any particular stage, or until some communication had been received from it. He would not, indeed, on the grounds which he had before stated, oppose the noble Secretary of State in his proposal for the delay of a few days, one of those intermediate days being one which the Christian would rather dedicate to the offices of religion, than to any political discussions, however important, for he had no objection to receive a previous communication from the Commons, on the subject, but he trusted that no farther delay would be recommended for such a purpose. He should consider such a proposition as an insult on the House, and an acquiescence in it to be no less injurious than degrading. As Peers of Parliament, it was part of their peculiar and most important functions, to interpose, whenever such interposition was called for, to preserve the integrity of the kingly office, and to defend the interests of the people. In the execution of this trust, he hoped that House would never be found consenting to arrangements that might seem to imply, or might truly imply, an incapacity to feel, or a reluctance to perform all the obligations which it so powerfully enjoined.

The Earl of *Lauderdale* said, that in retaining in his own mind all the discussions that had taken place during the proceedings of 1788, the more he considered the measure which was then proposed, the more he thought it perfectly indefensible. He must also observe, that the former was a period of profound peace, but the present a crisis of extreme difficulty and danger, and therefore requiring the smallest possible delay in filling up the deficiency in the regal branch of the constitution; so that even if the general principles on which the measure of 1788 was founded, and which had been now shortly stated by his noble friend, were just, yet it by no means followed, that they were applicable to the circumstances of the present day. His noble friend had rested on the supposed distinction between the natural and political capacity of the sovereign. But it was hardly necessary to remind the House, that, at no very remote period of our history, this very distinction had been used to the subversion of the throne; when the two Houses of Parliament, under the political name and character of the monarch, had made war upon the person of the Sovereign, and ultimately brought him to the block. He thought that it was a most fortunate thing for the constitution of the country, that the measure of 1788 never had been carried into execution; for if, as was proposed in that measure, the two Houses of Parliament could of themselves make a law, then, in his opinion, the severest blow was struck at the royal authority; and it went in its consequences to dispense with the regal branch of the constitution altogether. Indeed, he was prepared to contend, that any act of parliament of this description was completely a dead letter, and could not be listened to in any of the courts of justice; for whenever the matter came to be argued before the House, he should produce a statute, which pronounced null and void all legislative acts which had only obtained the assent of the two Houses of Parliament. He had no wish to enter more largely into the subject at present, but he thought it right to take that opportunity of entering his protest beforehand against acting upon the precedent of 1788.

The Earl of *Liverpool* wished to be informed, as a matter of convenience to many noble lords, whether it was intended to move any proposition to-morrow upon the report being presented?

Lord *Holland* was not aware of its being intended to move any proposition to-morrow. Being upon his legs, however, he would just observe that he agreed with his noble friend (lord Grenville) in the necessity of making a legislative provision, but contended that they ought first to establish a representative of the royal authority, for the purpose of giving a constitutional sanction to such legislative measure, by the measure glanced at by his noble friend, namely, an Address to his royal highness the Prince of Wales, to take upon him that authority. He would not, however, enter into the subject now, as he might go on to too great a length, and the discussion would be at present premature. With respect to the second Resolution of 1788, which it appeared to be the intention of the noble earl opposite to propose upon this occasion, he should feel it his duty to give it a direct negative, if, as he trusted would be the case, some noble lord did not move upon it the previous question.

Earl *Spencer* was merely anxious for himself and other noble lords, to lay in a claim, that it might not be imputed to them that they had acquiesced in the proceeding, the intention of proposing which had been intimated. This having been done, he had no intention of making any proposition to-morrow. It would, however, be convenient to several noble lords to know, whether the noble earl opposite would certainly move the resolutions which he had mentioned, on Thursday, or whether his moving them depended upon any communication to be received from the House of Commons.

The Earl of *Liverpool* replied, that he could merely say, that it was his intention at present to propose some measure on Thursday.

Lord *Grenville* observed, that of course it could not be foreseen what circumstances might occur in the mean time, but it would be highly desirable to know, whether the noble earl intended certainly to propose any measure on Thursday, or whether he intended to wait for any communication from the House of Commons.

The Earl of *Liverpool* repeated that it was his intention to propose some measure on Thursday.

Lord *Holland* said, if the noble earl did not propose some measure on Thursday, he should move an Address to his Royal Highness the Prince of Wales, to take upon him the exercise of the Royal Authority.

The Lords were then ordered to be summoned for to-morrow.

The Earl of *Liverpool* wished, before the House separated, to mention that doubts had arisen whether, in the present state of the House, proxies could be received, he therefore thought it would be advisable to appoint a Committee to search for precedents upon the subject, and intended to make a motion to that effect on Thursday.

Earl *Stanhope* thought it very strange that the noble earl should make the motion on Thursday, the day on which the question would arise whether proxies ought to be received.

The Earl of *Liverpool* observed, that if the precedent of 1788, which it was proposed to adhere to, was followed, by the House resolving itself into a Committee on the State of the Nation, proxies could not of course be received. He had no objection, however, to move for the appointment of the Committee to-morrow.

Earl *Stanhope* said, the noble earl was again wrong, for how did the noble earl know, that the House would agree to all he proposed?

The Earl of Liverpool then gave notice of his motion for to-morrow; after which their lordships adjourned.

HOUSE OF LORDS.

Thursday, December 20.

[REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE KING'S PHYSICIANS.] Earl Camden presented the Report of the Committee appointed to examine his Majesty's Physicians: which Report is as follows:

REPORT

From the LORDS' COMMITTEE appointed to examine the Physicians who have attended his Majesty during his Illness, touching the State of his Majesty's Health.

Die Lunæ, 17 *Decembris*, 1810.

DR. HENRY REVELL REYNOLDS called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?—His Majesty is not capable of either at present.

What are the hopes you entertain of his Majesty's recovery?—I have very confident expectations of his Majesty's ultimate recovery.

Do you found the opinion given in your answer to the former question upon the particular symptoms of his Majesty's disorder, or upon general experience in other cases of the same nature, or upon both?—Upon both. The particular symptoms of his Majesty's complaint are favourable from these circumstances: the soundness of his constitution, preserved by the regular habits of his life, and the uniform temperance of his Majesty in diet—I observe also no destruction of mental power in the King; his memory is as strong and as correct as ever; his perceptions as acute; he wants judgment and discretion, but at times there are appearances of both, though transient; and his Majesty has three times before laboured under a similar disease, which I have seen him recover from in each instance.

Whether in that particular species of the disorder, his Majesty has been afflicted with, it has been found from experience that the greater number of persons so affected have been cured?—So I understand from general conversation with the profession, and from my own observation.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?—No, I cannot.

Whether so far as experience enables you to judge of his Majesty's disorder, you think it more probable his Majesty will or will not recover, so as to render him capable of attending to public business?—I think that it is most probable that his Majesty will recover so as to be able to discharge the duties of his high station as well as ever he did.

Whether you can state to this Committee any particular cause to which you ascribe his Majesty's present indisposition?—I have no doubt that it arose from the excess of his Majesty's sensibility excited by the alternations of hope and despair, on account of the protracted sufferings and ultimate death of the Princess Amelia.

Whether any change has taken place in his Majesty's indisposition since your last examination before the privy council?—Yes; since the last examination before the privy council, his Majesty has had an exacerbation of his disorder, of which here is at present a remission.

How far in this disease the experience of former attacks in the case of the same patient, affords an indication of the probable time of cure?—It is impossible for me to answer the question decisively; because in the case of the three former attacks of his Majesty, the duration was very different in each.

Do you mean, therefore, that it is a circumstance you would lay wholly out of the question, in judging of the probable time of cure?—I do not know that I should lay that wholly out of the question; but it would not influence my opinion, so as to make me form any decisive prediction of the probable duration.

Do you mean decisive prediction, or considerable expectation?—As his Majesty has recovered three times before within a limited time, I should hope and expect that the present attack will not be of longer duration than any of the former.

At the time of your examination before the privy council, did you entertain expectations that his Majesty's recovery would be speedy?—My hopes have fluctuated with the fluctuating state of his Majesty's complaint; on the morning in which I was examined before the privy council, I thought his Majesty was better than I had seen him since I had the honour of attending him during this illness, and therefore was in hopes that he might have progressively gone on to amendment; but on the evening of that day his Majesty was not so well, and had, on the 5th of December, an exacerbation, which continued for some days, which put the prospect of speedy recovery at a greater distance; but did not abate my confidence in his Majesty's ultimate recovery.

Can you state from recollection how long that exacerbation lasted?—I cannot say precisely unless I refer to notes; but I think it lasted seven or eight days.

There was then a remission?—Yes; which has continued ever since.

By a remission Dr. Reynolds does not understand an intermission of the disorder?—I mean there has been no perfect cessation of the complaint.

When Dr. Reynolds stated to the privy council, that an amendment had taken place in his Majesty's disorder, with relation to what period of the disorder does he describe the amendment?—To the period of my first seeing the King, from the 3d to the 9th of November. On the evening of the 15th the King had an exacerbation which lasted for some days. My statement of amendment therefore referred to both those periods. I think from the 9th to the evening of the 15th there was a remission: as to the precise dates, I speak from recollection only.

Whether in this disease, in judging of amendment, your opinion is founded on what you observe during the exacerbations of the complaint, or during its remissions, or on both?—On both.

Whether the comparative length of successive exacerbations and remissions is a circumstance of weight?—Undoubtedly; the degree and duration of each must influence my opinion.

Whether, in respect of the comparative length of the successive exacerbations and remissions, there is up to this time an amendment in his Majesty's complaint?—I cannot exactly recollect the duration of the last exacerbation; it was not perhaps so violent as the former ones. The remission has been already as long, I think, as any former one, but I have not the exact dates. The remission has not been so perfect as we could have wished, though yesterday evening and this morning, I think, it was more marked and more decidedly approaching to a more perfect remission.

Does Dr. Reynolds mean by a more perfect remission, an intermission of complaint?—No; an intermission of complaint implies a temporary cessation of complaint. A more perfect remission means an approach to intermission, but not an intermission.

At what period has Dr. Reynolds considered this disorder as at the worst?—From the 3d to the 7th or 8th of November.

Dr. Reynolds having stated that since the last examination before the privy council, his Majesty had had an exacerbation of his disorder, of which there was at present a remission, will Dr. Reynolds inform the Committee whether the present state of his Majesty's disorder is comparatively better or otherwise than before the exacerbation alluded to?—I think it is pretty much the same. After the first paroxysm of the complaint in which I saw his Majesty, there was a greater remission of symptoms than there has been since, upon any subsequent remission, (that is) the King on the 11th, 12th, 13th, and 14th of November, and on the morning of the 15th, was better I think, than he has been in the subsequent remissions. The two last remissions have been nearly equal.

Dr. Reynolds having assigned a cause for his Majesty's illness, the Committee wish to know whether the circumstance of there being such an assignable cause is favourable or otherwise to the prospect of his Majesty's recovery?—I think it is.

Dr. Reynolds has stated that he entertains confident expectations of his Majesty's ultimate recovery; the Committee wish to know after what period of time, supposing no material amendment should have taken place, such confident expectations would cease?—If his Majesty's disease should be protracted beyond the limits to which any of his former illnesses extended, without material amendment, my confidence would be considerably diminished.

Dr. Reynolds having stated in his answer to the second question put to him this day, that he entertained very confident expectations of his Majesty's ultimate recovery; does Dr. Reynolds, having due regard to all the circumstances to which his attention has been called in this day's examination, still entertain very confident expectations of his Majesty's ultimate recovery?—I do.

Dr. Reynolds having stated, in answer to the sixth question put to him this day, that he thought that it was most probable that his Majesty would recover, so as to be able to discharge the duties of his high station as well as ever he did; does Dr. Reynolds, having due regard to all the circumstances, to which his attention has been called in this day's examination, still think that it is most probable that his Majesty will recover, so as to be able to discharge the duties of his high station as well as he ever did?—I do.

Is his Majesty's disorder accompanied in this instance with any symptoms of bodily complaint, other than those which are necessarily or usually connected with disorders of this description?—Yes, his Majesty has had more fever than is necessarily connected with his Majesty's complaint. His Majesty was under a considerable degree of fever when I first attended him on the 3d of November, which continued for some days; and has had fever since.

Do those symptoms, in your opinion, in any degree affect the probability of his Majesty's recovery?—No.

Did those symptoms exist in the same degree in his Majesty's former indispositions, in which Dr. Reynolds has attended him?—In the first illness in 1788, in which I attended his Majesty, the fever was greater than in the present illness. In 1801 he had also a very great degree of fever for one or two days.

Can you state to the Committee, whether in this instance those symptoms of fever preceded his Majesty's disorder, or whether they only attended, or followed it?—I do not exactly know the commencement of his Majesty's present illness; I found him having considerable fever on the 3d.

Whether the paroxysms of his Majesty's present disorder, compared with those of his former illnesses, are in general more or less severe?—In the two first illnesses the paroxysms were more severe than in the present, but I think that these have been rather longer.

Has Dr. Reynolds, in forming the confident expectations which he has expressed respecting his Majesty's ultimate recovery, and the opinion he has stated that it is most probable that his Majesty will recover so as to discharge the duties of his high station as well as ever he did, had due regard to all that Dr. Reynolds knows or is acquainted with, with regard to the symptoms and paroxysms which have occurred in his Majesty's present and former indispositions?—Yes.

Dr. Matthew Baillie called in and examined.

You are desired to acquaint this Committee whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?—He is certainly incapable at present of coming to Parliament, or of attending to any public business.

What are the hopes you entertain of his Majesty's recovery?—I think it very probable that his Majesty will ultimately recover.

Do you found the opinion given in your answer to the former question upon the particular symptoms of his Majesty's disorder, or upon general experience in other cases of the same nature, or upon both?—I have very little general experience. I found my opinion upon comparing the symptoms of his Majesty's present disorder with what I have heard of the symptoms of his former illnesses of the same general character. This seems to me to be the greatest foundation for hope; but besides this, there are favourable circumstances which might be mentioned, (as for instance) I can perceive no decay or failure in his Majesty's memory or apprehension; there are no marks of any permanent or organic disease in the brain itself; and those two circumstances increase the probability of his Majesty's recovery, when combined with what has been already stated as the chief ground of expectation of his Majesty's recovery.

Whether in that particular species of the disorder his Majesty has been afflicted with, it has been found from experience, that the greater number of persons so affected have been cured?—I cannot answer that question from any experience of my own, at least it has been upon too small a scale to determine that matter satisfactorily; but I believe that, taking all cases of this character together (slight cases and other cases), the greater number have recovered for the time, although in many instances there have been returns of similar diseases in the same individual.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?—I can form no satisfactory conjecture at all. The only ground for conjecture, I think, is to take the view of the progress and duration of his Majesty's other illnesses of the same kind; but this ground may be very deceitful and erroneous.

Whether, so far as experience enables you to judge of his Majesty's disorder, you think it more probable that his Majesty will or will not recover so as to render him capable of attending to public business?—I think it much more probable, that if he recovers he will recover with full powers of attending to public business as before his present illness.

Whether you can state to this Committee any particular cause to which you ascribe his Majesty's present indisposition?—I am convinced that his Majesty's present indisposition has arisen from his great affection to the princess Amelia, and very unusual affliction on her account during a very tedious illness.

Whether any change has taken place in his Majesty's indisposition since your last examination before the Privy Council?—His Majesty has had an accession of his complaint since that time, which has been followed with a remission of it, but that remission is not quite so complete as some of the former ones.

How far in this disease, does the experience of former attacks in the case of the same patient afford an indication of the probable time of cure, supposing that a cure shall ultimately be effected?—It affords a very uncertain indication of the time, as illnesses of the same character will have a very different duration in the same individuals at different times; but if we consider the progress of his Majesty's present illness, it is probable that it may continue longer than some of those from which he has recovered, but every thing that can be said upon that point is conjectural.

In this answer do you mean to speak of a comparison between the progress actually made towards recovery, and that made within a similar period in his Majesty's former illnesses?—That is what I mean, excepting that I have no individual experience in his Majesty's former illnesses, and can therefore only speak from the information occasionally given by some of the physicians and other medical attendants.

Whether the amendment of which you spoke in your examination before the Privy Council has continued since that time?—There has been no regular amendment that has continued since that time. Very soon afterwards there was an increase of the disease, which was followed by a remission which exists at the present time.

Whether by remission you mean a diminution of the disease, or a temporary cessation of it?—I mean by remission a diminution of disease. That diminution has been at times very considerable.

Whether, in speaking of an amendment in this disease, you form your judgment on the comparative degree or duration of the accession of the disorder, or its remissions, or on both?—On both.

Whether the degree and duration of the accessions, or of the remissions, have sensibly increased or diminished up to this time?—The accessions of the disease have been shorter in their duration in succession. The remission after the first severe increase was, perhaps upon the whole, the most perfect; the last remission, I think, upon the whole, the least complete.

At what period of this disease have you considered it to be at the worst?—I really cannot fix any particular day; one day passes on so like another, that it is difficult to fix upon any particular day; but I should say, that perhaps, from the 2nd of November till about the 7th or 8th, his Majesty was in a worse state than in any other period of this complaint.

Whether on the whole, Dr. Baillie considers his Majesty in a better state than at the period of his examination before the Privy Council?—I should say that he is very much in the same state, as far as my recollection serves me.

Can you fix the period of the commencement of this disorder?—I cannot fix any precise day in which his Majesty's present indisposition began. He was very obviously in a hurried state on the 25th of October; and I believe there had been occasional symptoms of the same hurry for a few preceding days.

Was you in the habit of seeing his Majesty frequently at that time?—I believe that I saw his Majesty daily from the 5th of October; but I should wish not to be considered as very sure of that date, though I believe I am correct.

Can you state when you first observed the indications of this disease?—I can state nothing more precisely than the 25th of October; but once or twice before that day I observed some hurry in his Majesty's manner, but not such as to make much impression on my mind.

Whether, during what you call the first accession, you considered the symptoms as mild or severe?—I should consider them on the whole as severe; but I should mention again that my experience in these complaints has been very limited.

Whether the circumstance of there having been such a cause as you have assigned for his Majesty's present illness is, in your opinion, favourable or adverse to the probability of his Majesty's recovery?—I should say favourable.

Whether any persons have been allowed to have access to his Majesty besides his medical attendants, during the course of the present disorder?—Her majesty and three of the princesses saw the king on the 27th of October. The Queen saw his Majesty for a short time on the 28th, and, I believe on the 29th. Mr. Perceval, I believe, saw his Majesty on the 29th of October, and, I believe at another time, though I do not recollect the day. The lord Chancellor saw his Majesty on the 1st of November, and on the 12th of December.

Have any apparent effects been produced in his Majesty's disorder by any of the different interviews to which Dr. Baillie has alluded?—None, I believe, of any importance.

Was Dr. Baillie consulted upon all the occasions to which he has alluded, as to the expediency of those interviews?—I do not recollect that there were any formal consultations; but I did not object to any of those interviews.

Was Dr. Baillie apprized of those interviews?—With regard to the last, I can say that I was apprized, though without any formal consultations; but with respect to the former I cannot now recollect, though I must have been apprized of them. I might say with regard to the first introduction of the Chancellor and Mr. Perceval, I was anxious that it should take place.

Is Dr. Baillie correct in this statement, that the Chancellor's first interview was on the 1st of November?—It was so marked in our memorandum.

Does or does not Dr. Baillie recollect expressing an anxiety that the state of his Majesty's situation should be seen by some of his Majesty's servants besides the physicians, on the 1st of November?—Certainly.

Does or does not Dr. Baillie recollect the lord Chancellor's having stated also his own sense of his duty, as to seeing his Majesty upon so great and important an occasion?—I think I do, but my recollection is not very perfect.

Has Dr. Baillie any reason whatever to believe, suppose, or suspect, that when the lord Chancellor came to Windsor on the 12th of December, he had any intention, or view, or hope, of seeing his Majesty?—I believe none. The lord Chancellor expressly mentioned that he had none, when he came down on the 12th of December.

Does Dr. Baillie recollect the lord Chancellor having declined to approach his Majesty's presence, till the physicians, having retired to his Majesty's apartments, sir Henry Halford and Dr. Willis were sent to the Chancellor to say, that they apprehended harm might arise if the Chancellor did not see his Majesty, after such an expectation had been raised in his Majesty's mind?—I recollect that perfectly.

Does Dr. Baillie recollect that the Chancellor was left alone with his Majesty?—Yes; the lord Chancellor was alone with his Majesty.

Does Dr. Baillie know why the lord Chancellor was left alone with his Majesty?—I believe that the lord Chancellor was left alone with his Majesty that he might see his Majesty in the most unrestrained manner, so as to form a more correct opinion of his real state.

Does or does not Dr. Baillie recollect, that when Mr. Perceval was introduced to his Majesty on the 29th of October, it was expressed to him, that it was the wish of the physicians that he should be introduced?—I believe that it was the universal wish of the physicians. I can say for myself, that it was my wish, for the reasons stated, with respect to the Chancellor.

Does or does not Dr. Baillie recollect, that there was, or was not, on the part of Mr. Perceval, rather a disinclination to see his Majesty?—I cannot say very precisely at this distance of time, but I believe there was.

When Dr. Baillie states that Mr. Perceval saw his Majesty twice, does he speak from recollection, or is he sure he is correct?—With respect to the 29th, it is so in my memorandum; but with regard to the other time, I have no distinct recollection of it, but I understood so from Mr. Perceval himself.

Does Dr. Baillie recollect whether any doubts which he entertained in his own mind about the Chancellor seeing his Majesty, were not suggested by what the Chancellor himself had mentioned against the proposition that he should approach his Majesty's presence?—I recollect when I first heard of the proposal of the Chancellor being admitted into the presence of his Majesty I fully concurred in it, but I afterwards doubted about the propriety of the measure, almost entirely from the suggestions of the lord Chancellor against it.

Have any symptoms of bodily complaint appeared in the course of his Majesty's present disorder, other than those which necessarily or usually attend disorders of this description?—I believe that there have been more symptoms of bodily indisposition in his Majesty's present illness than are necessarily connected with the disorder in other respects. I should say that there has been considerable variety in this respect; that at times there has been a considerable degree of bodily disorder, and at other times comparatively little.

Does the prevalences of such symptoms, in the opinion of Dr. Baillie, in any degree affect the duration of his Majesty's disorder, or the probability of his recovery?—I cannot say whether they are likely to affect the duration of his Majesty's disorder, but I believe they are favourable to his recovery.

Has his Majesty, since the commencement of his disorder, been ever entirely free from fever; has not his pulse been above that which Dr. Baillie has understood to be his pulse in time of health?—I do not know very accurately the frequency of his Majesty's pulse in time of health, but I can say in general that most commonly it has been beyond the natural standard of the pulse of a man at his Majesty's time of life, and very often much beyond it.

Dr. Baillie having regard to all the circumstances which he has stated upon this day's examination, and to which his attention has been called in the course of it, and to all circumstances within his knowledge respecting his Majesty's present indisposition, does or does not he think it most probable that his Majesty will ultimately recover, so as to be capable of discharging the duties of his station, as well as before his present indisposition?—After giving attention to all the circumstances that have taken place in this examination, I still continue to think it very probable that his Majesty will ultimately recover, so as to transact public business in the same manner as before his present illness.

Die Martis, 18 *Decembris* 1810.

Dr. Robert Darling Willis called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?—His Majesty is incapable of coming to parliament, or of attending to any public business.

What are the hopes you entertain of his Majesty's recovery?—I entertain confident hopes of his Majesty's recovery; the protraction that has hitherto taken place, though it lessens considerably the expectation that the recovery will take place in a very short time, is not sufficient to diminish my confidence that his Majesty will ultimately recover.

Do you found the opinion given in your answer to the former question, upon the particular symptoms of his Majesty's disorder, or upon general experience in other cases of the same nature, or upon both?—I form my opinion upon both, upon my general experience in cases of mental disease, and upon the particular symptoms of his Majesty's complaint.

Whether in that particular species of the disorder his Majesty has been afflicted with, it has been found from experience that the greater number of persons so affected have been cured?—Confining myself strictly in my answer to that particular class of the disease under which his Majesty now labours, I should say that a very large proportion recover.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?—No, I cannot.

Whether so far as experience enables you to judge of his Majesty's disorder, you think it more probable his Majesty will or will not recover, so as to render him capable of attending to public business?—I presume that my answer to a former question is an answer to that. I consider recovery as including a full capability of transacting all business.

Whether you can state to this Committee any particular cause to which you ascribe his Majesty's present indisposition?—I presume the extreme distress for the illness of the Princess Amelia.

Whether any change has taken place in his Majesty's indisposition since your last examination before the Privy Council?—I can hardly state that any material alteration has taken place. It is extremely difficult in cases of this description to measure accurately the degrees of amendment.

Has Dr. Willis attended his Majesty in the former attacks of this disorder?—I attended his Majesty in the year 1801.

In case of a cessation of the disorder, would great interruptions, or such as would probably arise in the exercise of his high station, be likely to produce a return of the disorder?—I have no reason to think that it would, provided the recovery is complete. Relapses have not been produced after former illnesses in his Majesty's complaints.

When Dr. Willis agrees with the other physicians, who have been examined, in assigning the immediate occasion of his Majesty's present illness, does he mean to assign it as the primitive cause of the complaint, or only as having brought into action a disease to which his Majesty had been before subject?—Certainly as bringing into action a disease to which his Majesty has been before subject.

When Dr. Willis expresses this confident expectation of his Majesty's recovery, does he mean his final recovery, without the probability of a recurrence of the same indisposition?—Certainly not.

Should his Majesty recover, so as to fulfil all the expectations which Dr. Willis means to express, is it in his opinion more or less probable that his Majesty would be subject to similar indispositions?—His Majesty having already laboured under four attacks, it is more probable he will continue liable to repeated attacks.

His Majesty's illness having been immediately preceded by and constantly accompanied with fever, arising from extraordinary susceptibility and nervous irritation, is not such a complaint more likely to be re-produced from external circumstances and causes, than any other indisposition of the same class?—It is, perhaps, a medical question of very little moment, whether his Majesty's complaint is attended with fever or not; in my opinion there is no fever present, the whole depending upon an extreme nervous irritability; but I am not aware that his Majesty will be more subject to relapse on that account, than he would be if it arose from any cause in the constitution itself; it appears always to require some external cause to excite it.

Whether, when the complaint is accompanied with that extreme nervous irritability described by Dr. Willis, it is not more subject to be acted upon and increased by external circumstances and causes, than a similar complaint not so accompanied?—I am not aware of any similar complaint that can take place without being accompanied with a similar nervous irritability.

How many relapses have taken place in his Majesty's present disorder since his Majesty was taken ill in October last?—There have been two relapses.

State the periods of those relapses?—The 15th Nov. and the 5th Dec. were the periods at which a considerable degree of increase of the symptoms took place, which have been denominated relapses.

Dr. Willis has stated that his Majesty's disorder arose from extreme distress for the illness of the princess Amelia, the Committee wish to know if Dr. Willis considers these relapses to have arisen in the ordinary course of the disorder, or whether any extraneous causes have contributed to occasion those relapses?—In that extreme state of nervous irritability very trifling causes are sufficient to produce an occasional increase of symptoms till the recovery has advanced beyond a certain period; it may be difficult to say, therefore, whether this increase of symptoms may have arisen in the ordinary course of the disorder, or from trifling circumstances which may have produced them.

Did not the first relapse occur about the period of the princess Amelia's funeral?—On the following day, or the day after that.

When Dr. Willis speaks of relapses, does he mean relapses after a cessation of the disorder, or after a remission of the disorder?—Certainly after a remission, his Majesty's disorder has never ceased.

Were there not exacerbations of his Majesty's disorder on the 15th November and the 5th December?—Certainly, on the evening of both those days.

Does Dr. Willis consider the exacerbations which took place on each of those days to have been relapses properly so called, or such paroxysms as commonly occur in a disorder of this description?—I consider them merely as paroxysms which belong to the disorder itself.

Are, or are not the remissions of his Majesty's disorder impeded, and the paroxysms renewed or increased, by his consideration of, and reflection upon his own case, under all its circumstances?—I am not aware of any particular effect that has taken place from such considerations.

Whether in the course of Dr. Willis's experience in disorders of this kind, he has had occasion to observe that the age of the patient is a consideration of weight in forming expectations of recovery?—Where the traces of age can be discovered in the symptoms of the disorder, it is certainly a matter of great consideration; but in his Majesty's situation I have not discovered any traces of age in the symptoms; I therefore infer that his Majesty's age is not a matter of moment.

On a comparison of the symptoms of his Majesty's present disorder with those of his disorder in the year 1801, is Dr. Willis of opinion that the paroxysms of the present case are more or less severe either in degree or duration than those of the former?—The paroxysms in this disorder have been more frequent but not more severe than in 1801, nor of longer duration.

Have the remissions in the present disorder been of longer or shorter duration than those of the disorder of 1801?—Hitherto they have been shorter.

Whether the remissions have been more or less complete in his Majesty's present disorder than in 1801?—I think less complete.

Whether the disorder, under which his Majesty now labours, is of the same class as that in 1801?—It is of the same class.

Whether from the facts which Dr. Willis has collected from the physicians, and other medical attendants on his Majesty, he deems this disorder to be of the same class as his Majesty's other attacks, in which Dr. Willis did not attend his Majesty?—I believe all his Majesty's attacks have been similar.

How far in these disorders the experience of former attacks in the case of the same patient affords an indication of the probable time of the cure, supposing that a cure shall be ultimately effected?—It becomes probable where the symptoms of one attack resemble the symptoms of a preceding one, that the progress to amendment will be similar also.

Whether the progress toward recovery has hitherto been the same in this, as in former attacks?—It has rather been more prolonged than in 1801, but it is further advanced than in the first attack in 1788: I cannot speak as to the attack in 1804.

Whether the difference is such as to afford Dr. Willis any ground for judging that this recovery will or will not be delayed longer than in the former attacks?

—The difference is not sufficient to enable me to form any judgment on the subject.

Whether referring to his answer given to a former question, Dr. Willis can state what degree of protraction in recovery would be sufficient to diminish his expectation of ultimate recovery?—My opinion would be rather guided by the symptoms which should attend that protraction than the protraction itself.

When the approaches towards recovery are more likely to manifest themselves by a gradual diminution of the paroxysms, and increase of the remissions, or by a sudden and total cessation of the complaint?—Probably by the gradual diminution of the paroxysms, and the lenthening of the remissions.

At what time did Dr. Willis first see his Majesty in this disorder?—On the 6th November.

Was that in a period of paroxysm or of remission?—In a period of complete delirium, under the first paroxysm that had taken place.

Was that paroxysm severe?—Extremely severe; his Majesty's life was in great peril.

Have the two succeeding paroxysms been less severe?—Considerably less.

How far in the instances with which Dr. Willis is acquainted of persons suffering under repeated attacks of this disorder, the frequency of such attacks has increased or diminished, as the patient has advanced in age?—I cannot answer as to the frequency.

How far has the violence of the attacks increased or diminished under the circumstance stated in the former question?—The violence has increased.

Is it, in Dr. Willis's opinion, a circumstance favourable, or otherwise, to the probability of his Majesty's recovery, that there should have been such an assignable cause for his Majesty's disorder, as that which he has stated?—It is certainly a very favourable circumstance.

In such a disorder as that with which his Majesty is affected, are there not usually certain gradations or stages tending to a hopeless state on the one hand, and to a recovery on the other?—Certainly.

Is the stage at which his Majesty's disorder has arrived, one that warrants the expectation of progressive amendment?—It certainly warrants the expectation of progressive amendment, because it is the stage through which each of his Majesty's disorders has passed.

According to the usual gradations of disorders of this description, is it or is it not the opinion of Dr. Willis that the next material advance towards recovery would be a state of convalescence, or a state nearly approaching to it?—Probably a state nearly approaching to convalescence.

Upon comparing the present stage of his Majesty's illness with its corresponding stage in 1801, does Dr. Willis, or does he not, entertain an equally favourable expectation of his Majesty's recovery?—Comparing the two stages together, I have no reason to have a less favourable opinion than I had in 1801.

Upon making the same comparison, does Dr. Willis entertain an expectation of his Majesty's recovery from his present illness, within the same period of time as in 1801?—Perhaps not exactly. The present stage is more remote from the commencement than the similar stage which took place in 1801.

After what period of time, supposing no material abatement of his Majesty's disorder shall have taken place, would Dr. Willis cease to entertain confident hopes of his Majesty's recovery?—I must still think that my opinion would be more guided by the symptoms that were then present than by the period of time.

Dr. Willis is desired to answer the question, supposing the symptoms continued nearly as at present?—I should certainly begin to have a very unfavourable opinion of his Majesty's recovery, if the usual period at which recovery has taken place in the former attacks had passed by.

What do you conceive to have been the usual period, dating from the commencement of the complaint?—The periods have differed; in 1788-9 it was nearly six months; the other periods were shorter; I have spoken of the longest.

To what class of disorder is his Majesty's present indisposition referable?—According to an arrangement in my own mind, I should consider it as a derangement of mind closely allied to delirium, and occasionally falling into it.

Does the species of disorder, which Dr. Willis has just described, differ from what is usually termed insanity?—There is a wide difference betwixt them.

Will you describe generally in what that difference consists?—Itc onsists principally in the different state of the mind, and the different state of the constitution also. In delirium the mind is actively occupied upon past impressions, without any reference to present objects. A person under delirium resembles one talking in his sleep; he is totally insensible to all surrounding objects. The bodily health is at the same time considerably affected; great restlessness and want of sleep. In insanity, the mind is acting upon some assumed idea, to the truth of which it will pertinaciously adhere, contrary to the strongest evidence of its falsity. The individual is awake to all surrounding objects, the general health may be little or not at all impaired. Taking these two points, as extreme points, derangement will lie somewhere betwixt them, partaking more or less of one or the other. The derangement, which is the object of this inquiry, I consider partaking of delirium, but never partaking of insanity.

From which of the different species of mental disorder that Dr. Willis has described is recovery most probable?—From that species of derangement which partakes most of delirium, provided the patient survives the bodily disease.

Dr. Willis having made this division in his own mind, the Committee wish to understand, whether he considers that these three species all differ from each other in kind or in degree?—The three are perfectly distinct in themselves; they may occasionally run one into the other. Derangement, for example, may become complete delirium. Delirium may pass through derangement in its progress to recovery, though not necessarily.

According to this distribution of the subject, by what term does Dr. Willis describe that general class of disorder of which these are species?—I never have sufficiently considered this subject with a view to classification, and am not prepared to give a decisive answer to the question.

Do not all these three species fall under the general and popular designation of insanity?—I believe in the general acceptation of the term, delirium would be exempt. Perhaps the other may not have been sufficiently distinguished.

Could Dr. Willis give any precise definition of delirium?—Your lordships will see the extreme difficulty of giving a definition unpremeditated. I cannot venture to do it.

Is there any distinction between delirium generally, dependent upon fever, when it has arisen to a great height, and delirium not dependent upon such a degree of fever?—As far as the symptoms can be perceived they are precisely the same.

Having due regard to all the circumstances to which your attention has been called in the course of this day's examination, and especially to all such circumstances (as far as you are acquainted with them) which relate to his Majesty's time of life, and the state of his bodily health, his present and former disorders, which have been mentioned in this examination, the nature and number of those disorders, the symptoms, paroxysms, and remissions which have occurred in the course of them respectively, and the comparative progress made in them respectively towards recovery; you are desired to state, whether a due regard to any or all of such circumstances does or does not diminish the confidence, which you expressed in the beginning of your examination, that his Majesty will ultimately recover with a full capability of transacting all business?—My confidence that his Majesty will ultimately recover so as to transact all public business is not diminished; but this opinion must be subject to the uncertainty which attends all medical prognostics.

DR. WILLIAM HEBERDEN called in and examined.

You are desired to acquaint this Committee, whether the state of his Majesty's health is such as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—I think his Majesty's present state renders him incapable of coming in person to his parliament, or of attending to public business.

What are the hopes you entertain of his Majesty's recovery?—I entertain the greatest expectation of his Majesty's recovery.

Do you found the opinion given in your answer to the former question, upon the particular symptoms of his Majesty's disorder, or upon general experience in other cases of the same nature, or upon both?—I found my opinion upon the progress his Majesty has already made towards recovery, upon the present unimpaired state of his Majesty's faculties, and upon the experience afforded by his Majesty's previous attacks of a similar kind.

Whether in that particular species of the disorder his Majesty has been afflicted with, it has been found from experience that the greater number of persons so affected have been cured?—I believe they have.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?—I can form no judgment with regard to any precise period for the termination of his Majesty's indisposition. The experience of his former attacks affords a presumption that the period may not be very distant.

Whether, as far as experience enables you to judge of his Majesty's disorder, you think it more probable his Majesty will or will not recover, so as to render him capable of attending to public business?—I think it in the highest degree probable that his Majesty will recover, and be full as capable of attending to public business as he was before his present attack.

Whether you can state to this Committee any particular cause to which you ascribe his Majesty's present indisposition?—I have no hesitation in attributing his Majesty's present malady to his anxiety on account of the late princess Amelia.

Whether any change has taken place in his Majesty's indisposition since your last examination before the privy council?—Since I was examined before the privy council, his Majesty has been worse for a few days, and has subsequently to that been again better. I consider his present state not at all worse than it was at that time.

Did Dr. Heberden attend his Majesty on the occasion of any of his former disorders?—Yes.

Are the symptoms of his Majesty's present disorder of a similar nature with those of his former disorders?—They are of a similar nature to his illness in 1804, on which occasion only I had the honour of attending his Majesty.

Are the paroxysms of his Majesty's present disorder more or less severe, either in degree or duration, than those of his disorder in 1804?—The accessions and remissions in his Majesty's present disorder have been more separate from each other than they appeared to be in his former disorder in 1804, but I am not aware that the violence of the symptoms during the accessions has been greater in this than in his former illness.

When did Dr. Heberden first attend his Majesty in this disorder?—On the 27th of October last.

What do you consider as the date of the first paroxysm of disorder?—The 25th October.

How long did that paroxysm continue?—Fifteen days.

Was it more or less severe than the succeeding paroxysms?—It was more severe.

Did you consider the symptoms of that paroxysm as being severe?—They appeared so severe as to give his Majesty's physicians apprehension for his life.

Did you describe them to any persons as being peculiarly mild?—Certainly not.

Was the first remission more or less complete than the succeeding remissions have been?—It was not less complete, nor can I certainly say that it was more complete.

Has the duration of the successive paroxysms and remissions increased or diminished since the commencement of the disorder?—The duration of the paroxysms has become less; the duration of the remissions has become greater.

Has this progress been uniform since the beginning?—I stated in a former answer to the Committee, that the first paroxysm continued 15 days; the subsequent remission continued only five days; the second paroxysm continued 10 days; the second remission continued 10 days; the third paroxysm continued five days; the third remission still continues. I consider the present remission to bear date from the night of December 10th.

How far in these disorders the experience of former attacks, in the case of the same patient, affords an indication of the probable time of the cure, supposing that a cure shall ultimately be effected?—It must depend upon the frequency of the repetition, and upon the accuracy of their correspondence with each other. In the present case it is very far from being a sure ground of judgment, but it appears to me to be the best we have.

Dr. Heberden has stated that he considers the first paroxysm to have commenced on the 25th of October, and to have lasted to the 9th of November; the Committee wish to ask Dr. Heberden, whether this paroxysm, during which his Majesty's life was supposed to be in danger, was not of very different degrees of violence at different periods of its duration?—Certainly. At its commencement it gave his Majesty's physicians reason to hope, that it never might arrive at so formidable a height as we afterwards witnessed.

Does Dr. Heberden recollect on what day the violence of this paroxysm began?—Its violence can hardly be dated from any distinct period. On the 8th of November it seemed to have attained its utmost height.

Has Dr. Heberden any recollection, that it was communicated to any persons resorting to Windsor on the 29th October or 1st November, that his Majesty's life was in danger?—I apprehended there could have been no such communication made, because at that time there was nothing to justify such an opinion.

Does or does not Dr. Heberden recollect that the representation made to persons resorting to Windsor on the 29th October, and 1st November, was, that the disorder was of a milder character, though they could not state to what extent it might go?—At that time I was the only one of his Majesty's physicians present who had seen him under a similar disorder before, and his present attack did appear to me then to be less violent than what I had witnessed in the year 1804. Added to which, his Majesty's increased age, and his defect of sight, we thought might be favourable in keeping the disorder altogether of a milder character. This opinion was stated to his Majesty's ministers when they resorted to Windsor.

Did Dr. Heberden state to any persons during any part of the first paroxysm of his Majesty's disorder, that its symptoms were peculiarly mild?—At the first commencement of his Majesty's present disorder, the symptoms appeared milder than in the year 1804, and this opinion I did communicate.

Whether Dr. Heberden does or does not recollect when two other physicians were called in, that they repeatedly stated that the symptoms of his Majesty's disorder were of a milder character?—I cannot distinctly state that they did make such communication; but in the very early part of the present illness we have all hoped hat it might not arrive at that degree which had been experienced in his Majesty's former attacks of the same kind, and which has since been observed in his present illness.

Has Dr. Heberden at any time during the continuance of his Majesty's first paroxysm, heard any of his Majesty's physicians state to any person that the then existing symptoms of the disorder were peculiarly mild?—The mildness of the symptoms in his Majesty's present disorder was always considered with reference to his Majesty's former attacks, and it was in comparison with them only that the symptoms were at first considered to be mild, and no communication expressive of an opinion beyond this, was, as far as I am aware, made at any time.

The Committee would be glad to know distinctly whether Dr. Heberden ever heard the phrase stated in the preceding question used by any of the physicians?—I do not recollect ever to have heard it used.

Have the remissions which Dr. Heberden has observed in his Majesty's present disorder been more or less complete than those which he had occasion to observe in his attendance on his Majesty in 1804?—The remissions in his Majesty's present disorder have appeared to be of longer continuance, but at no time so complete as they had been in his former illness, at an equal distance of time from its commencement.

Will Dr. Heberden state to the Committee what was the whole duration of his Majesty's illness in 1804?—I was first called upon to attend his Majesty on the 12th of February 1804; and I believe his Majesty presided at Council on the 23d of April following; I should consider the interval between those periods as constituting the duration of his disease at that time.

At what time did Dr. Heberden's attendance on his Majesty cease?—After the period when his Majesty was so far recovered as to be able to transact business at any period of any day: he still retained such marks of indisposition about him, as made it expedient that some one of his physicians should be about his person for some months afterwards. In this situation I was in attendance upon his Majesty so late as to the end of October.

Between the 12th February and the 23d April did not the appearances of disorder continue more or less?—I believe that for some days previous to the 23d April they had so far ceased as to make his Majesty's physicians conceive him competent to exercise all the usual functions of his high office.

Die Mercurij, 19 *Decembris* 1810.

DR. WILLIAM HEBERDEN again called in and examined.

Whether, having due regard to all the circumstances to which your attention has been called during your present examination, you entertain the same hopes of his Majesty's ultimate recovery as you did before your examination?—I do entertain the same hopes as I did at the beginning of my examination.

Sir Henry Halford, bart. called in and examined.

You are desired to acquaint this Committee whether the state of his Majesty's health is such as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—The state of his Majesty's health is certainly such as to render him incapable of coming to parliament, or of attending to public business.

What are the hopes you entertain of his Majesty's recovery?—I have the highest expectations of his Majesty's ultimate recovery.

Do you found the opinion given in your answer to the former question upon the particular symptoms of his Majesty's disorder, or upon general experience in other cases of the same nature, or upon both?—Upon both.

Whether in that particular species of the disorder his Majesty has been afflicted with, it has been found from experience, that the greater number of persons so affected have been cured?—I believe they have.

Can you form any judgment or probable conjecture of the duration of his Majesty's illness?—I cannot form any satisfactory conjecture.

Whether, so far as experience enables you to judge of his Majesty's disorder, you think it more probable his Majesty will or will not recover, so as to render him capable of attending to public business?—I believe it to be more probable that his Majesty will recover so as to be capable of transacting public business.

Whether you can state to this Committee any particular cause to which you ascribe his Majesty's present indisposition?—I believe the anxiety which his Majesty felt during the protracted illness of the Princess Amelia was the cause.

Whether any change has taken place in his Majesty's indisposition since your examination before the privy council?—I do not think his Majesty better than he was at the time of my examination before the privy council; I think him much the same.

Has Sir Henry Halford before attended his Majesty on similar occasions?—No.

How far in these disorders the experience of former attacks in the case of the same patient affords an indication of the probable time of the cure, supposing that a cure shall be ultimately effected?—If the symptoms correspond with those observed on former occasions, I should think it probable that the course and termination of the disease may be expected to be the same.

Whether, so far as Sir Henry Halford is acquainted with the circumstances of his Majesty's former indispositions, the symptoms of this attack have hitherto followed the same course?—As far as I have understood, the symptoms do appear to have followed the same course.

From what time does Sir Henry Halford date the commencement of this attack?—On the evening of the 27th of October, I think the disease assumed a decided character.

Had Sir Henry Halford seen his Majesty on the preceding days, and what observation had he then made?—I had seen his Majesty on the preceding days, and thought his Majesty's conversation more rapid, and his manner somewhat more hurried occasionally, but not constantly.

Was there on the 27th a considerable accession of the disorder?—On the evening of the 27th October his Majesty became much worse.

How long did that accession continue?—With more or less violence until the 9th of November.

Has that been followed by successive remissions and accessions of the disorders?—It has.

Is there at present a remission of the disorder?—There is.

Since when has that remission continued?—Since the 11th of December.

Have these accessions and remissions respectively increased or diminished in duration or degree?—I think the accessions have diminished, and the remissions have increased in their duration.

Have the accessions diminished both in duration and degree?—The last accession was as violent as that which preceded it, but its duration was not so considerable.

Were the two last accessions equal in violence to the first?—They were not.

Have the remissions encreased both in duration and degree?—The remissions have increased in duration, but the last remission has not been so complete as that which immediately preceded it.

At what period of this disorder have you considered it to be at the worst?—On the 7th and 8th November.

Were the symptoms of the disorder at that time mild or severe?—So severe that I thought his Majesty's life was in some peril.

At the time of Sir Henry Halford's examination before the Privy Council, did he entertain hopes of his Majesty's speedy recovery?—No.

Has his opinion in that respect been in any manner varied since that time?—No.

Were the symptoms of his Majesty's disorder on the 12th, 13th, and 14th of November of a mild character?—Comparatively speaking, his Majesty was materially better on those days; even as far as the afternoon of the 15th November.

At what period of this disorder do you consider the symptoms to have been most favourable?—I think on the 12th, 13th, 14th, and part of the 15th of November.

Of the various remissions which have occurred in the course of this disorder, which do you deem the most complete in point of degree?—Upon the whole, that which took place between the 25th November and the 5th December.

In judging of the general character of a disorder of this description, do you form your opinion on the remissions only of the disease, or on all its various occurrences and symptoms?—On all its various occurrences and symptoms.

Was the accession with which this disease commenced, such as indicated a disease mild or severe in its character?—I thought it indicated a severe character.

Did you at any period during that accession state to any person that its symptoms were peculiarly mild?—I believe not.

Whether Sir Henry Halford has not heard it repeatedly stated by some of the Physicians attending his Majesty, that the symptoms of this attack, compared with the former, were comparatively mild?—I have.

Does he recollect at what period, or on what occasions, those statements have been made?—I think I have heard those statements made sometimes among ourselves, and sometimes in the presence of some of his Majesty's ministers.

Can he state the periods?—I cannot state them exactly, but I think it has been more particularly early in the disease.

Whether when he states the first accession to have given him an opinion that the attack might be severe, he refers to the first days of that accession, or to the attack as it appeared on the 6th, 7th, and 8th of November?—More particularly as to the attack as it appeared at the latter end of the first week in November.

Whether, at any time before those days, Sir Henry Halford stated to any persons his opinion that the symptoms were in themselves peculiarly mild?—I believe not.

Whether that was his opinion?—No.

Is it a circumstance favourable to the probability of his Majesty's recovery that there should have been such an assignable cause for his Majesty's disorder as that which Sir Henry Halford has stated?—I think it is favourable.

After what period of time, supposing no material amendment shall have taken place, would the opinion which Sir Henry Halford has expressed of the probability of his Majesty's recovery cease?—I cannot state the time.

If the recovery should be protracted beyond the period which has elapsed in former disorders, would that circumstance vary his opinion as to the probability of ultimate recovery?—I should think rather less favourably of the ultimate result, but still I should form my judgment from the symptoms that then prevailed.

What would his judgment be, should the symptoms then continue nearly as at present?—My opinion would certainly be rather less favourable of the ultimate issue.

Must Sir Henry Halford's opinion at that period not only be governed by an attention to the symptoms as they should exist at that period, but by the symptoms between this time and that period also?—The progress of the symptoms from the commencement would determine my judgment.

What would his judgment be in the case supposed, if there had intervened only a succession of alternate paroxysms and remissions, not materially different in degree or duration from those which have already occurred, and if there had been no material variation of other symptoms?—If I did discover no material injury done to the faculties of the mind by the continuance of the disorder, and no vital failure in the constitution, I should still think favourably of the ultimate issue of the disease.

Whether Sir Henry Halford, having due regard to all the circumstances which have been called to his attention in the course of this day's examination, has any reason to alter his opinion as to the hopes he expressed in the beginning of his examination of his Majesty's ultimate recovery?—None.

Whether his Majesty's advanced age is favourable or unfavourable to the recovery from his present disorder?—Age abstractedly considered is less favourable to the removal of any disorder; but I see no impediment in his Majesty's age to his recovery on that ground.

The above Report being read short, was ordered to be printed. After which,

Lord *Holland* rose, not for the purpose of opposing the motion, but from an anxiety to take that opportunity of calling for some information from his Majesty's ministers. From what was said yesterday, there was an understanding on the part of several noble lords, and an expectation, that no question relative to the important subject now before parliament, would be discussed this day. He did not wish to break in upon the understanding or disappoint that expectation, but he thought it his duty even on that occasion to put a question to the noble lords opposite. Ministers were deeply responsible for the protracted delay which had taken place, in adopting steps to remedy the heavy calamity which had fallen upon the country; but upon this point he would not now enlarge, as the period for discussion must soon arrive. In the questions which it was now known must arise in that discussion, those who conceived an Address to the Prince of Wales, to take upon him the civil and military administration of the affairs of the country, to be the most constitutional course; and those who thought that the mode of proceeding ludicrously, but happily and accurately, called on a former occasion by its opponents "the Phantom," more gravely, but much less appropriately styled by its supporters, a Bill, was most consistent with the constitution, would of course argue the subject, and determine it upon the grounds arising out of their respective views of it as a constitutional question. But before he should submit the questions which it was his wish to put to his Majesty's ministers, he would say a few words as to the mode of proceeding it was proposed to adopt. The noble earl (Liverpool) had stated on the preceding evening, that on Thursday next he should submit three resolutions to the House, the same that had been agreed to by both Houses in 1788. With regard to the first of these resolutions, he presumed that, unfortunately there could be no difference of opinion. As to the second, he would feel it his duty to move the previous question thereon, upon the ground that their lordships were not called upon to decide upon a mere abstract question of right. With respect to the third and last resolution, he should substitute a new mode of proceeding entirely, and in place of a Bill appointing a Regency, he should move an amendment recommending to their lordships to address his royal highness the prince of Wales to assume the government during the incapacity of the King, subject to such regulations as parliament might think proper. When this last resolution should come before the House, a question would necessarily arise as to grounds of preference of either mode. Some were of opinion that the proceeding by Bill was the more eligible and constitutional, while others, on the contrary, gave the preference to the mode of proceeding by Address. Among the former were certainly many persons eminent for their virtues, their characters and talents. His noble friend (lord Grenville), who was not now present, had declared himself on the proceeding evening in favour of the proceeding by bill; but, with all his respect for the judgment, experience, and research of that noble person, he could not for himself so far defer to his authority as to agree with him on that important point. There were many others, however, who entertained the same opinion with himself on this point, and therefore he thought it would be proper to afford them an opportunity of declaring their sentiments, and supporting their opinions by their votes. The situation of the country was far different now from what it was when this melancholy subject was formerly agitated. The executive government might have been suspended in 1788, without any great inconvenience, but under the circumstances of our present situation the suspension could not exist, still less for any time continue, without manifest injury, without laying the country at the foot of the enemy. He was anxious, therefore, that the House should come to a decision as soon as possible upon this most important question, and that an Address should be preferred to a Bill, or at least that the most expeditious mode possible should be adopted, to proceed with as little delay as possible to supply the defect which had unhappily arisen in the royal authority. To those who were impressed in this manner, it would be of importance to know the nature of the questions which now pressed for the decision of the executive government. At a crisis like the present there must necessarily be points of the greatest importance, as respected both the external and internal affairs of the country, pressing for the decision of the executive government, whilst unfortunately the competent authority to sanction a decision upon any such points, was altogether suspended. He therefore put to the noble lords opposite the propriety of giving some explanation as to the state of these questions. It was understood that Sweden had commenced hostilities against this country, and it was usual when one country commenced hostilities against another, for the state against which war had thus been announced, to take some steps either to guard against the effect of this hostility, or to retaliate its aggression by similar measures. It could not be supposed by any one, but that, if the executive power of the country had been in a state of activity, some measure would have been adopted respecting Sweden, either to have actually commenced hostilities, or to have issued some proclamation, declaring the mode of conduct to be adopted in consequence of the hostile measures resorted to by her. He might be told that ministers acted upon their responsibility on the necessity of the case, but in the present circumstances of the country, he thought that species of responsibility a great evil. He well remembered the fatal consequences of stretching the doctrine of necessity too far, as in the Case of the important question of Ship-Money, where the King was advised that he was the sole judge of the necessity of the case. Common fame also reported that intelligence of considerable importance had been received relative to the state of affairs in South America, from Buenos Ayres, highly interesting to this country, and deeply affecting the interests of the Peninsula, and which required a prompt determination on the part of the executive government. With respect to the situation of affairs in Portugal, he would candidly declare that at a former period, when he was more sanguine than at present as to the event, he approved of the conduct of ministers, in sending reinforcements to lord Wellington; and if he had had the opportunity, from parliament being sitting, he should not have hesitated to express that approbation. He was less sanguine now in his hopes of success in Portugal than he was at the period to which he alluded; but if, at the time he was most sanguine of success, he approved of sending reinforcements to lord Wellington, so much the more now when he was less sanguine of success, must he deplore the withholding of reinforcements from that eminent commander, in consequence of the present melancholy suspension of the executive power. The noble earl (Liverpool) shook his head, was he (lord Holland) then to understand that reinforcements were not withheld, if so, by what power were they now sent? There was another point of the greatest importance upon which he desired information, and which now pressed for the decision of the executive power, he alluded to the state of the relations of this country with the United States. It was known that by the recent measures taken in America, the executive government were called upon, either promptly to revoke the orders in council unconditionally, or to declare upon what condition they would or would not revoke them. He had no hesitation in declaring his own opinion, that the orders in council ought to be unconditionally revoked. But although hostile in opinion to the noble lords opposite upon this point, he did not mean his question to be hostile; his only object was that some explanation should be given as to the state of this point, upon which it was of so much importance to decide without delay. It might perhaps be said, that he had pressed his questions with too much warmth; but it was of the greatest importance to that House and to the country, that the officers of the crown should explain in what state those vital questions were, which now pressed for the decision of the executive government. However politically hostile he might be upon some points to the noble lords on the other side, he did not mean, as he had before stated, in what he now asked, any hostility; he merely wished, for the reasons he before assigned, that some information should be given upon the important points to which he had alluded.

The Earl of *Liverpool* rose, and in answer to what had been urged by the noble lord, observed, that the numerous queries put to him could not be adequately considered as their importance deserved; and the solutions given, without going into a review of the whole political situation of the empire at the present period. If he abstained from such a discussion, it was solely from the impossibility of entering into it at large at the present moment and under the circumstances in which they were placed. When the proper time should arrive for discussing the various subjects alluded to, he should not be found shrinking from the question. In the present situation of the country, his Majesty's government were fully aware of the difficulties which pressed upon them, but they were also aware that those difficulties were of two sorts. The momentous duty was imposed on them to consider how far the interest of the country, upon the whole, required of them to recommend to parliament to suspend all proceedings on the one hand, and on the other the period when the same consideration required that the necessary proceedings should be commenced. Under these impressions, they had proposed several short adjournments, with a view to give parliament an opportunity of either instituting such proceedings as they might think necessary, or, in their view of the case, under the circumstances of the time, to postpone the adoption of such proceedings. The conduct of his Majesty's government was regulated by a full view of the difficulties on both sides, and on that ground the peculiar difficulties of the situation in which they were placed should be carefully considered. With respect to the particular points adverted to by the noble lord, he had to say, that he was not aware of any material injury to the public service by the delay in question, nor was he aware that ministers had abstained from any acts from which under other circumstances they would not have so advised his Majesty to abstain, and with regard to those measures which the safety of the country might require, they would, with whatever risk it might induce to themselves, do that which they deemed most conducive to the safety, honour, and interests of the country, leaving to the justice of parliament to consider of and decide upon the grounds of their justification. Before he sat down he begged leave shortly to observe upon another point of the noble lord's speech, viz. the mode of proceeding, whether preferably by Bill or by Address. On this head from every consideration he had been able to give the subject, in all its views and bearings, he was decidedly of opinion that the mode of proceeding by Bill was by far preferable. Nay, he would go farther, and declare his firm conviction, and which he would undertake to prove, when the regular opportunity should arrive, that the precedent of 1788, afforded an example of the only constitutional mode of proceeding, and that their lordships, with reference to the established principles of the constitution, had no option in such circumstances as the present than to adopt it.

Lord *Holland*, in explanation, observed, that he had not upon this occasion urged the charge of delay, but had merely sought for an explanation, which he considered it would be important to receive, but which he did not press the noble lords opposite to give. The noble earl had spoken confidently of the mode by Address being illegal and unconstitutional, but he, (lord Holland) on the contrary, rejoiced that the proceeding in 1788, had never been carried into effect, conceiving, as he did, that it was contrary to the principles of the constitution, and that the two Houses of parliament must first have a representative of the sovereign before any legislative measure could be constitutionally adopted. That indemnity should follow statesman-like measures, called for by necessity, and required to ensure the safety of the country, was highly proper; but those who had now assumed the functions of the executive power could not be entitled to indemnity for measures rendered necessary, by a delay which they themselves had caused, or for any calamitous consequences which might result from their wilful neglect of the means to remedy the existing deficiency in the functions of the executive power.

Earl *Grosvenor* observed, that he should have risen with more satisfaction to address a few observations to their lordships, if he could have approved of what had been done. But when he reflected, that the melancholy circumstance of the suspension of the executive government had now continued nearly eight weeks, and that during that time the House had gone no farther than the preliminary step, he must deprecate any further delay. Under all the circumstances of our situation, he thought it was the bounden duty of that and of the other House to proceed to supply the deficiency in the executive government as soon as possible: the less unnecessary delay, therefore, that should be suffered to take place, the better. A reference, to the precedent which occurred in the reign of George the 2nd, would shew that the person who was to execute the office of regent might be appointed by other means than a Bill in parliament. He alluded to the appointment of the Princess of Wales as regent, during the minority of George Prince of Wales, in case of the demise of the then reigning sovereign, upon conditions to be afterwards settled by parliament. With respect to the two modes proposed, that by Bill and that by Address, he must give the preference to the latter. When this important question was agitated some years ago, he gave his feeble support to the proceeding by Bill, because no injury could have arisen to the country from the temporary suspension of the executive government. But the state of the country was very different at present; circumstances were totally changed; and that which might have been very proper and justifiable in 1788, might prove highly detrimental to the public welfare at this momentous crisis. But whilst he preferred proceeding by Address, he could not see any thing absurd in the mode of proceeding by Bill, in as much by fiction of law, the king was supposed to be always present in his courts of justice. For these reasons he would give his vote in support of the most expeditious mode of supplying the deficiency in the executive government. If any restrictions on the power of the regent were necessary, they might be embodied in the Address.

His Royal Highness the Duke of *Clarence* said, that he felt less difficulty in addressing their lordships now, than if he had risen immediately after the noble earl on the opposite bench. He would, however, detain their lordships but with very few words. Great and momentous as the present crisis was, he would now abstain from fully uttering his sentiments upon it. In common with all their lordships, he deeply felt the calamity which called for the proceedings which the House were about to adopt; but from the particular situation in which he stood, he had a more poignant cause of regret. He could not, however, avoid making one short observation upon what fell from the noble earl respecting the precedent of 1788. Had he at that time had the honour of a seat among their lordships, his conduct would have been then what it would be on this occasion. He should have voted for the proceeding by Address, instead of that by Bill. He wished their lordships, in the present instance, to adopt the same line of conduct with the parliament of that part of the empire which he believed he was the only one of his family that had visited—he meant the parliament of Ireland—and call upon the Prince of Wales at once to assume the government of the country. This he conceived to be both the most constitutional and the most expeditious mode of supplying the deficiency in the executive government: he was persuaded it was the mode most conducive to the interests of the country, and the good of the Monarch; for any thing which was injurious to the one must prove equally so to the other.

The Duke of *Norfolk* said, that the noble Secretary of State had stated that no inconvenience resulted from the suspension of the executive power. If the fact were so, ministers had in effect taken the sovereignty into their own hands. There was nothing to prevent them, upon this principle, from issuing declarations of war, or concluding treaties of peace. He begged the House would consider the degree of power these persons had arrogated to themselves, and then say, whether they were content to allow them to remain in possession of it. As to the precedent of 1788, he flatly dissented from the whole course of proceeding on that occasion. He recommended the precedent at the revolution, and maintained that the proceeding by Bill, was neither legal nor constitutional. He had heard something in a former debate about a fourth estate, and that parliament was not composed of King, Lords and Commons, but of King, Lords Spiritual and Temporal, and Commons. Of these Lords Spiritual, he knew nothing as an independent body, except when they met in convocation.

Earl *Stanhope* rose in defence of a person who was absent (lord Grenville), and who, he must say, had not been fairly dealt with, by having nonsense put into his mouth. His noble friend did not say that the Lords Spiritual composed a fourth estate of parliament, but that they were one of the states of the realm. He gave notice, that it was his intention to move an amendment to the second resolution.

Lord *Erskine* applauded the manly firmness with which his noble friend (lord Grenville) had on the former evening declared his adherence to his former opinion, and observed, that the country must have greater confidence in those who in a manly manner declared their difference of opinion, than in those who sacrificed their opinions to the desire of acting together. The noble earl opposite had pledged himself to prove, that any other mode of proceeding than that of the year 1788, would be illegal and unconstitutional. He wished to hear all he could say upon that subject; and he pledged himself in his turn to answer him. That it rested with the estates of the realm, to make provision for supplying the defect which had unhappily arisen in the royal authority, there could be no doubt. If that were not the case, there would be indeed a revolution, and the doctrine held by those who contended that the estates of the realm, could not provide for the difficulty, must tend to destroy the sanctions by which the frame of civil society was held together. It belonged to the estates of the realm from the necessity of the case, and by the principles of the constitution, to make provision for the difficulty, and they could not overstep the line which the constitution pointed out.

The Earl of *Lauderdale* called the attention of the House, to the new sources of delay which had been opened, and to the alarming consequence of extending the period, which had already elapsed without making any provision, for the legitimate exercise of the executive authority. After waiting till Thursday next, for the proposition of the noble earl, the House had notices of two motions, which would then be made, the one to amend, and the other to supersede, by moving the previous question, the second resolution, which the noble earl had announced his intention of submitting. What limited time could be anticipated for these discussions? The House had indeed been told, that they need be under no alarm, as to any supposed continuance of the suspension of the sovereign functions, that the suspension had indeed hitherto been but nominal, and that all the necessary duties of executive administration, had been duly performed by the noble lords themselves, who now confidently came down to the House with this novel declaration. Let the noble lords who heard him, consider the nature and the tendency of this extraordinary avowal; he wished to draw their attention to a single example. The period when the act for prohibiting the use of corn in the distillation of spirits would expire, it was well known was approaching; commercial speculations had already been created by the natural presumption, that under the present extraordinary circumstances, the sign manual could not be put to a proclamation for continuing the provisions of that act. Sales and purchases in the great articles implied in these contracts, had all proceeded on the faith of the impracticability of enforcing that prohibition. What, then, must be the surprise of the mercantile world, what would be the sensation of those peculiarly interested in the issue of the question, to find that they were egregiously deceived in imagining that the regal functions were suspended, or that there was no power that could venture to prolong the operation of an act of the legislature! The consequences of that system of delay which ministers were studiously pursuing, were, in his apprehension, of the most alarming nature, both to the immediate interests of the country, and as they went to establish a dangerous precedent, which might be used for the worst purposes, on future occasions! No such artful delay had been attempted in 1788. In alluding to the events of that memorable era, he was now at liberty to consider them as matters of historical record, and he was convinced that those grounds of necessity, which were alleged to exist at that period, for declaring by coincident resolutions, the right and province of the estates of the realm, to supply the occasional defect of the executive power, did not, and could not be made to appear to exist at the present moment. By a natural perverseness, the multitude would always form their opinion of those, whom they disliked or opposed, according to the representations made to them, by those whom they admired or supported. Thus in the year 1788, the friends of Mr. Pitt, measured their abhorrence of Mr. Fox's doctrine, and moulded their conceptions of it by the insinuations of that great statesman's enemies, and *vice versa*, Mr. Pitt's opinions were exposed to an equal degree of misunderstanding and reproach, in the part of those who were politically hostile to him. It was not too late, nor was that an improper occasion for explaining that the difference, which actually prevailed between their respective sentiments, was out of the breadth and amount, which was too generally believed. Mr. Fox had never asserted that the Prince of Wales had an absolute, unquestionable right to the exercise of the royal functions, in cases of their natural and temporary suspension, but that his right, although paramount, was subject to the adjudication of the two Houses of Convention. Mr. Pitt, on the other hand, proclaimed the right of the two Houses to the power of supplying the defect, but without denying that the Prince had an irresistible claim to the exercise of the sovereignty during the continuance of his Majesty's incapacity. Lord Lauderdale declared himself to be scarcely able to distinguish a substantial right from an irresistible claim, but if no justification, at least an apology might be alledged, for coming to the resolutions passed at the period, which he alluded to, and that apology was to be found in the doubt and ambiguity, that had unfortunately arisen in the public mind on the subject. But with those resolutions before them, sanctioned by the concurrence of both Houses, after the precedent had been once fairly and solemnly established, for what purpose cognizable by common sense, were they now to be drawn into a needless reconsideration of them? Did the noble lords opposite, desire to put those resolutions to any hazard? or was their object neither more nor less than additional delay? He wished to say a few words more, on an idea started by a noble earl, which in his judgment was utterly unfounded, and calculated to produce an unjust alarm. The noble earl had stated, that by adopting the course of proceeding by Address, the administration of justice would be arrested, and the courts legally incapacitated from sitting in the discharge of their appropriated duties. On this point he begged leave to refer the House, to the period of the Restoration, when under the circumstances of a total change of government, the due and regular administration of the laws had never been interrupted, nor the confidence of the country in the faithful dispensation of justice disturbed. He should conclude with saying, that the measure of an Address should have his strenuous support, as not less expedient in the present emergency of public affairs, than consonant to the true principles of the constitution.

Earl *Grosvenor* rose to explain, that he by no means intended to insinuate that the courts of justice would in fact be thrown loose, by presenting an Address from that House to his royal highness the Prince of Wales, requesting him to assume the government, but merely that the fiction which represented the necessity of the royal presence in the courts of justice, would be violated by such a proceeding.

The Earl of *Darnley* professed himself unable to understand how the two Houses could adopt any legislative provision without the royal sanction and concurrence. He dwelt also upon the dangers of procrastination, and announced his intention of resisting all needless delay.

The Earl of *Liverpool*, after observing, that there was no question before the House, intimated his wish to move that a Committee be appointed to consider of the fitness of receiving Proxies in the case of a division, on the present occasion, and that the clerk be directed to search for precedents.

Earl *Stanhope* expressed his conviction, that the motion of the noble earl was made only for the purpose of gaining time; that it was a mere manœuvre, and that the House was unaccustomed to appoint committees to consider of what was fitting for the House to adopt.

The Duke of *Clarence* said a few words in opposition to the motion of the secretary of state.

Earl *Fitzwilliam* objected to the term "the present session," in the wording of the motion, as the present assembling of the estates could in no sense be denominated a session of parliament.

The Marquis of *Lansdown* said, the motion of the noble secretary of state went to break down one of those rules by which that House had always regulated its proceedings. It was the peculiar province of the House to reserve for its own decision, all points affecting its rights or privileges. This was a function which could not be delegated to a Committee, without a departure from that line which was prescribed by every former example. It had on every previous occasion been the endeavour of the House, cautiously to distinguish between what was matter of precedent, and what was matter of principle, in communicating its instruction to committees. This distinction did not appear to be recognised by the noble secretary of state, he overlooked it, or intentionally mixed together for the cognizance and determination of the committee, what had been hitherto kept studiously separate at every preceding period. This he conceived to be the main ground of objection to the motion of the noble earl.

Lord *Holland* observed, that the remark of his noble friend behind him (earl Fitzwilliam) was perfectly just, and that it was impossible to predict the evil consequences, if such an expression were left recorded on their Journals. He gave credit to the noble secretary of state for not wishing to mislead the House into any irregular proceeding, and therefore suggested that some alteration should be made in the wording of the motion, which would free it from the objections which had been started.

After some desultory conversation, the amended motion was put and carried, "That a Committee be appointed to search for precedents on occasions similar to the present;" and the House adjourned to Saturday.

HOUSE OF COMMONS.

Thursday, December 20.

[Call of the House.] The *Chancellor of the Exchequer* moved the order of the day for calling over the House on this day.

Mr. *Tierney* said, that the very respectable and numerous attendance which the House then exhibited, must be considered as the effect of the order. He would put it therefore to the right hon. gent. whether, all circumstances considered, it would not be advisable to wave inforcing the order at present, though he must admit it might be desirable to keep it suspended over the House, in order to insure a full attendance in every future stage of the important discussions that were to take place.

The *Chancellor of the Exchequer* allowed, that as far as the present individual day was concerned, there was no cause of complaint for non-attendance; but he thought it was important to enforce the call, in order to shew that it was the intention of the House to insure, during the whole of the important discussion which was about to take place, the steady attention of the members.

The motion was then agreed to, and strangers having been excluded, the names of all the members were called over; a proceeding which occupied above two hours.

The *Chancellor of the Exchequer* then moved, That the House be called over on Monday se'nnight; which motion was agreed to; as was also a subsequent motion, That those members who did not then attend should be taken into custody.

[State of the Nation—King's Illness.] On the motion of the *Chancellor of the Exchequer*, the House resolved itself into a Committee of the whole House, to take into consideration the State of the Nation. Mr. Lushington took the chair.

The *Chancellor of the Exchequer* then rose, and spoke to the following effect: In consequence of the notice which I recently gave, I now rise to call the attention of the Committee to the consideration of that disastrous state of the nation into which the unfortunate indisposition of his Majesty—an indisposition so severely felt and so universally lamented by the country—has placed it. I feel, Sir, that in doing this it must be wholly unnecessary for me to make any peculiar efforts to awaken the feelings or excite the interest of the Committee on such an important subject. When we consider the nature of the calamity, to the existence of which our present meeting is to be attributed, it is impossible not to contemplate it with the utmost pain and sympathy. Had such a malady fallen on the humblest individual in the land, one with whom we were wholly unconnected by relation, dependence, or interest, it would unquestionably be our endeavour, first to provide the means of restoring that individual to health, and secondly to secure to him affectionate guardians until that restoration should be effected. Had such a malady fallen on those to whom we were attached by dearer ties, the feelings in every man's breast must, I am sure, render unnecessary any description of the course which we should hasten to pursue. But, Sir, in the instance of our sovereign—a sovereign who has now reigned so long over this country—a sovereign who has been on the throne for above half a century—a blessing to his people—watchful of their interests—and marking in his conduct the most scrupulous regard to the true principles of the constitution—a sovereign, whose private virtues have been the constant and just theme of our praise and admiration—I say, Sir, that when such a sovereign becomes so afflicted, I am fully confident there is not a heart in this House or in the country which does not beat with the warmest sympathy for his distress. These, Sir, are the feelings which arise in my mind on a view of the subject strictly personal to the sovereign; but there are others, deeply connected with the public interest, which are called forth by a more general view of the subject. It is to these considerations to which I now wish to call the attention of the Committee. Among the foremost of these is the fact, that by the present state of his Majesty's health the functions of the executive government are in a great measure suspended, and the public service impeded and embarrassed. This consideration alone will be sufficito attract the attention of the Committee to the line of conduct which his Majesty's ministers feel it their duty to recommend. Sir, I lament that it should fall to the lot of such an individual as myself, from the situation in which I have the honour to be placed, to address the Committee on this subject,—to be the first to lead this House to the consideration of it. I should feel wholly inadequate to the undertaking, if I did not think that I could point out, from the example of those who have struggled against calamities of a similar nature to that under which we now labour, the mode which we ought to pursue as the best calculated to extricate us from the difficulties of our situation. We are at the present moment, Sir, situated precisely as the country found itself situated at the latter end of the year 1788. The proceedings adopted by the two Houses of Parliament on that occasion—an occasion, I repeat, in which we were circumstanced precisely as we are at the present moment,—will, in my apprehension, be found to be the true line of conduct which the two Houses of Parliament ought now to adopt; and by the adoption of which we shall avail ourselves of the lights, of the judgment, and of the experience of our predecessors. I have said, Sir, that the two cases are the same. Certainly, there is a difference from the loss of those abilities and talents, which, looking with an eagle eye through our legal history, and through the principles of our constitution, recommended that course which was ultimately adopted in 1788. Still, however, there are circumstances which render the situation of the country at present easier of extrication from its embarrassment, than in the year 1788. First, that to which I have already alluded—a most important circumstance—namely, the precedent which has been established, and also, Sir, because on the present occasion no question has yet been introduced by which the right and duty of the two Houses of Parliament, thus called upon to supply the existing deficiency, has ever been glanced at. We know, Sir, how much the discussions of 1788 were embarrassed, and how many difficulties then presented themselves by the assertion of an inherent right elsewhere, a right afterwards so properly disclaimed by the illustrious person on whose behalf it was asserted. There is also another consideration which should induce us to expect that the debates on the present occasion will be conducted more wisely and more successfully than in 1788. Hitherto our discussions have not been marked with that intemperance of party spirit, with that violation of Parliamentary usage which attended—which marked, disturbed, and even disgraced, the proceedings to which I allude. There has not yet appeared any symptom of such a disposition, and we may therefore hope, that in consequence, the decision of the two Houses of Parliament may recommend itself more satisfactorily to the country by the temperance and deliberation by which it has been preceded.

We have paused upon this interesting and important occasion, Sir, as long as the nature of the case would admit. No further delay can with propriety be allowed. It is our immediate duty seriously to look at our situation, and to provide the best remedy for the distresses which arise from it. Those distresses, Sir, I pointed out to the notice of the House, when I gave notice of my present motion. I then declared that I would submit to the House three preliminary Resolutions, similar to those agreed to in 1788; and I added that I would state the general outline of the plan that I would recommend for adoption at the present period. The question, which undoubtedly must precede all others, is the judgment of the House upon the fact. The House must first record on the Journals their opinion of the unfortunate state of his Majesty's health, and of his actual incapacity to execute the regal functions. The second question will be in the form of another Resolution, expressive of those obligations on both Houses of Parliament to supply the deficiency in the royal functions and to provide a remedy for the embarrassments, which arise out of the peculiar situation of the country. The remaining question relates to the form of proceeding by which those obligations are to be discharged. But, Sir, before I enter into a consideration of this third Resolution, on which I conceive, from what I collected the other night, that the principal part of the debate will hinge, I feel it necessary, or rather I feel it expedient, to submit to this committee my view of the measures which I shall hereafter have to propose to the House in the shape of a Bill. As to the question of fact, the Resolution which I shall move is—

"That it is the opinion of this committee, that his Majesty is prevented by his present indisposition from coming to his parliament, and from attending to the "public business; and that the personal "exercise of the royal authority is thereby suspended."

On this question, Sir, I apprehend that no doubt can be entertained. If I could suppose that any doubt existed on the subject, I would refer to the testimony of his Majesty's physicians, as well that taken before the privy council as the evidence reported from our own committee. Those who have attended to those reports, must have found in them sufficient evidence of the melancholy fact. In referring to that evidence at the present time, I shall go no further than to state, that the fact there appears established beyond the power of contradiction. Unquestionably, the report from our own committee affords as good ground for the probable expectation of his Majesty's ultimate recovery, as that which we derived from the examination before the privy council; and certainly the impression on my mind is, that that recovery, although the period of it cannot be exactly defined or anticipated, may with reason be looked for confidently, according to the depositions of all the physicians, at no very distant time. I will not at present enter into a minute examination of the details of the Report which bear me out in this presumption.—The second Resolution, Sir, which in compliance with the precedent that I recommend, it is my intention to submit to the committee, is as follows:—

"That it is the opinion of this committee, that it is the right and duty of "the Lords spiritual and temporal, and "Commons of the United Kingdom of "Great Britain and Ireland, now assembled, and lawfully, fully, and freely representing all the estates of the people "of this realm, to provide the means of "supplying the defect in the personal exercise of the royal authority, arising from "his Majesty's said indisposition, in such "manner as the exigency of the case may "appear to them to require."

On the second Resolution, Sir, it has certainly been intimated to me, and to the House, that possibly some difference of opinion might exist with respect to the words in which it is couched; but neither I, nor the House, have heard that there is any disposition to controvert the principle which it contains—a principle so clearly established by precedent, so distinctly derived from the history and principles of the constitution, so supported by every thing to which we can refer for conviction, and so wholly unimpeached by any constitutional authority, of which I am aware, that I shall rather leave to those who may oppose it to state the nature of their opposition, and reserve to myself and to those who coincide in opinion with me, the right of making any future observations on their arguments, than attempt to originate the discussion myself. I shall, therefore, assume the principle to be admitted until I find it denied. Having thus, Sir, disposed of the two first Resolutions, I now come to the Resolution descriptive of the form of proceeding, by which the continuance of the executive authority is to be provided. This resolution I will read:—

"That it is the opinion of this Committee that for this purpose, and for "maintaining entire the constitutional "authority of the King, it is necessary "that the said Lords spiritual and temporal, and Commons of the United Kingdom of Great Britain and Ireland, should "determine on the means whereby the "royal assent may be given in parliament to such Bill as may be passed by "the two Houses of Parliament, respecting "the exercise of the powers and authorities of the Crown, in the name and on "the behalf of the King, during the continuance of his Majesty's present indisposition."

It must be evident to the committee, Sir, that the great and leading feature of the mode of proceeding described in this Resolution is, that it is to be a proceeding by Bill. Such is the proposition which I have humbly to recommend for the adoption of this committee. On the other hand, it has been submitted to us, by the hon. gentlemen opposite, who fairly and candidly intimated to the House, the other night, the view which they took of this part of the subject, that a proceeding by way of Address would be preferable to a proceeding by way of Bill, which latter, those gentlemen professed to consider as unconstitutional. Judging, therefore, from the statement thus made by the gentlemen opposite, I am induced to conceive that the discussion of the present evening may be narrowed into the consideration of these two questions; it being taken for granted that the two Houses of Parliament, and this House in particular, are called on to provide some remedy for the deficiency in the executive power, and the point to be decided being whether it is preferable to do this by Bill, or, as recommended by the hon. gent. opposite, by Address. In order, however, that the details of this business may be better understood, before I proceed to estimate the comparative value of the two modes of proceeding recommended, I shall, in conformity to my notice, and as I have intimated in the introductory part of my speech, open generally my intention with respect to the ulterior propositions that I mean to bring forward. Now, Sir, in the view which I take of the subject, it appears to me that the measure which we ought to adopt should unquestionably be to appoint his royal highness the Prince of Wales regent, to administer the affairs of the country in the name, and on the behalf of his Majesty, during the continuance of his Majesty's indisposition. I mean therefore to propose, that generally all the powers of government shall be placed in the hands of his royal highness. My next proposition will be, Sir, that during the continuance of his Majesty's indisposition, her Majesty the Queen shall be appointed the guardian of his Majesty's person, and that consequently to her Majesty the entire care of his Majesty's person shall be entrusted. It will also be extremely expedient and necessary to introduce into the Bill due provisions and precautions for notifying the King's recovery, whenever that event shall happily take place, and for chalking out the course of proceeding that would effectually enable his Majesty to resume the reins of government and exercise his royal functions with his former dignity and authority.—I mean also to propose that the operation of these three provisions, the first giving general authority to his royal highness the Prince of Wales, the second reposing the custody of his Majesty's person in the hands of the Queen, and the third describing the mode in which the royal functions shall be resumed by his Majesty, in the event of his recovery, shall have no limit assigned in point of time, except the duration of his Majesty's disorder. As to the particulars of the general authority, which I mean to propose shall be vested in his royal highness the Prince of Wales, the Bill will contain certain provisions limiting and restricting for a time, to be limited, the use of some of the powers and prerogatives of the crown. Sir, when we consider the nature of the evidence that has been given by the physicians, both to the privy council and to our own committee, and when we add the knowledge which we may obtain from history upon this subject, and our experience of what has been the state and course of his Majesty's ailments of the same description, on former occasions, I think we may reasonably look to no very distant period, as that of his Majesty's probable recovery. All the physicians have uniformly declined stating any precise period as that in which they expect his Majesty's recovery; they uniformly express a sanguine and confident expectation of his Majesty's ultimate recovery, but decline fixing on any period as that at which it may probably take place. However, it must be observed, that they generally refer in their evidence to the history of his Majesty's former complaints, as affording the best means of enabling them to judge of the course and progress of his Majesty's present disorder; and when we take into our consideration, in addition to the evidence of his Majesty's physicians recently examined, the opinions of the most experienced medical practitioner, in this species of complaint, the late Dr. Willis, as expressed in the evidence given by him in the year 1788, we may perhaps conclude that six weeks or two months is the shortest period at which it is reasonable to expect a complete recovery from his Majesty's present malady; that five or six months ought to be the average period of such an expectation; and that twelve or eighteen months is the extreme point of time to which it is likely his Majesty's malady may be protracted.

On this view of the subject, therefore, I conceive, that there is no question but that the House will take into their serious consideration, the probability of his Majesty's recovery, at no very distant period, and that they will, under this impression, think it necessary to provide by the Bill, ample security for his Majesty's immediate and complete return to power in that event. The period which, on the most deliberate view that I can take of the subject, I would recommend to the adoption of the House, is, about a twelvemonth from the time at which the Bill may pass both Houses of Parliament. It is my intention, therefore, to recommend that in the Bill vesting generally the regal power in his royal highness the Prince of Wales, there be introduced restrictions on certain parts of that power for the period I have mentioned; with the addition of this consideration, that whatever be the period to which parliament may limit the restrictions and qualifications that may be thought necessary, due care shall be taken that those restrictions and qualifications shall expire at a period when parliament shall have been sitting for at least six weeks, in order that, if it should then be thought necessary, parliament may reconsider the subject, or if it should not be thought necessary to reconsider the subject, that the restrictions and qualifications may expire under the knowledge and within the view of parliament. The House will, I trust, Sir, agree with me, that for the period which I have mentioned, the power of granting any rank in the peerage, might without much inconvenience, be suspended; also that it will be reasonable to declare that all grants of offices and pensions (except such as are necessary for public service) shall be granted only for the term of the Regency, subject to his Majesty's pleasure on his recovery. I shall propose, that her Majesty the Queen shall have the superintendance and controul of the personal establishment of his Majesty's household for 12 months, in order to enable her Majesty to maintain the splendour of the royal establishment; and that after that interval, all the regulations connected with that subject shall expire, unless parliament, on a general view of the subject, may think proper to restore to her Majesty some portion of them, for the purpose of maintaining the royal dignity.

This, Sir, is the general outline of the ulterior measure, which it is my intention to propose; and having, as I hope, stated it with sufficient clearness to render myself distinctly intelligible, I beg leave now to recall the attention of the Committee to the question immediately before us, and to remark, that whatever may be the difference of feeling or opinion on the propriety of admitting any restrictions on the power of the Regent, whatever may be the views, taken as to the expediency of a longer or shorter duration of such restrictions, the question now before the Committee is not on the propriety or impropriety of admitting any restrictions—not on the limit whether longer or shorter of that restriction; but simply on the expediency of adopting one course of proceeding in the establishment of a Regent in preference to another. In the first place, Sir, I apprehend from the expressions which were used the other night, that one ground of the objection to be made to my proposition is, that it is unconstitutional. It was said by a right hon. gent. (Mr. Ponsonby) that it was a measure "derogatory to the honour of the crown, injurious to the principle of the constitution, and insulting to the illustrious personage whom it chiefly respected." Now, I confess, Sir, I do not apprehend how the gentlemen opposite will be able to maintain these positions, nor do I think that they would be content to take the question upon that issue. With regard to the assertion that the proceeding by Bill is unconstitutional, I do not find that any such assertion was made in 1788, how much soever it was then argued that another measure, constitutional likewise, would be more expedient. But let us examine this objection to the proceeding by Bill as unconstitutional. I know not how we can better determine what is and what is not constitutional than by a reference to the records of our own proceedings, and to what has been our conduct under similar circumstances, on former occasions. The enlightened theorist who delights only in abstractions, and considers his speculative notions as the criterion of the constitution, I leave to his enjoyment, and shall content myself with pointing out what is the course that has been recognized by parliament in a case precisely similar—a case solemnly adjudged after the most anxious attention and mature deliberation, and forming a precedent from which we may argue, not by analogy alone, but by its distinct and decided resemblance in all its parts to the present instance. In short, in the very case before us, after a full review of the history of the country and of the constitution—after the most ample and mature deliberation, parliament adopted the course which I now recommend.

Let us then, Sir, in examining the present question, consider, what our situation is, and what are the duties which we are called upon to perform. It is true that the functions of the royal authority are suspended, but the throne is not vacant. We are called upon not to create a King, but to preserve to an existing monarch his undiminished rights, and until he can resume those rights, to provide the means by which the royal authority may be duly exercised. We shall see the importance of this observation when we consider the nature of the precedent to which I have alluded, and the nature of other precedents which have been cited. The precedent of the Revolution has been produced against the precedent of 1788. I have already observed that the precedent of 1788 is not analogical to the present case, but distinctly applicable to it. There is a material difference in the facts and circumstances of our situation at the present time and at the Revolution. Whatever information we may derive from the precedent of the Revolution, it refers only to analogy, and is not distinctly applicable. In the situation in which we stand, we have two most important duties to discharge. It is of the utmost importance to provide for the security of the country by determining the means of carrying on the royal authority; and it must not in the mean time be overlooked, that it is of the utmost importance to secure to his Majesty the restoration of his rights and privileges, whenever Providence shall grant his restoration to health. At the time we are providing for the one object, we must take care to provide for the other. Not only must we secure to his Majesty, on his restoration to health, the restoration of his rights and privileges, but we must secure the restoration of them under all the advantageous circumstances in which they are at present possessed. In the year 1788, his Majesty was afflicted with the same calamity as that which has now so unhappily befallen him. In the year 1788 parliament had the same duties to discharge as parliament have now to discharge, and they discharged those duties then, in the way in which I propose that they shall now be discharged. The course of proceeding pursued in 1788 was instituted in this House, whence it was taken to the other House, and there adopted. It was concurrently acted upon by both Houses, and it cannot therefore be disputed that the sanction and authority of both Houses of Parliament were given to the measures proposed on that occasion. On a retrospection of the occurrences of the years 1788 and 1789, it will appear that a necessity was manifested for the establishment of a Regency. The two Houses of Parliament consequently assembled, and the great seal was put to a commission for holding a parliament under the direction and by the authority of both Houses. The commission was executed. Parliament was opened by virtue of that commission, and proceeded to supply the deficiency in the executive authority by a Regency Bill, which was carried forward nearly to its termination. During that period other ordinary parliamentary proceedings went on; bills to a considerable number were brought in here, and in the other House. They were proceeded in while the Regency Bill was pending, and, which it is most material to remember, were completed and concluded after the restoration of his Majesty. Thus, Sir, it appears, that the question at issue was decided not only by the two Houses of parliament, but by the whole parliament assembled. On his Majesty's recovery, he, by his commissioners, came down to parliament. Did he revoke or annul their previous proceedings? Did he disclaim their interference? Did he declare that the great seal had been usurped by those who had applied it to the former commission, or that it had been improperly used? Did he accuse the two Houses of abusing their authority? Did he deny the validity of the acts which they had passed? No: directly the contrary. His Majesty, by his commissioners, was present in the same session. He put no end to the session held during his illness, but referred distinctly to the instrument under which their previous sittings had been held. I wish, Sir, to make this part of the subject as satisfactory to the Committee as it appears to me to be demonstrably conclusive. The two Houses of parliament, after the recovery of his Majesty, were assembled by commission; and in the 44th volume of our Journals, page 159, may be found the terms of the commission itself. The commission begins in the following manner:—" His Majesty, not thinking fit to be present here " this day, in his royal person, has been " pleased to cause a Commission to be is- " sued under his great seal, authorizing " and commanding the commissioners, " who are appointed by his former letters " patent to hold this parliament, to open " and declare certain farther causes for " holding the same: which commission " you will now hear read."

Here, then, the Committee will not fail to observe that in the passage I have just read, the royal sanction is expressly given in confirmation of the use which had been made of the great seal by the two Houses, in a case of unexampled exigency.—The King authorises the same commissioners who had been appointed under the great seal by direction of the two Houses, during his illness, and who had, under that authority, held that parliament—these same commissioners he appoints, by the same instrument, to continue to hold on the same parliament. But if still more unequivocal proofs were wanting to attest the cordial confirmation given by the King, on his recovery, to the use which had been made of his prerogative, I would confidently appeal to the Committee, if the following passage did not furnish them.—It is from the speech delivered by the commissioners after the commission to which I have alluded was read, and is as follows :—

"His Majesty being, by the blessing of "Providence, happily recovered from "the severe indisposition with which he "has been afflicted ; and being enabled "to attend to the public affairs of his "kingdom, has commanded us to convey "to you his warmest acknowledgements "for the additional proofs which you have "given of your affectionate attachment to "his person, and of your zealous con"cern for the honour and interests of his "crown, and the security and good go"vernment of his dominions.—We have it "particularly in charge from his Majesty "to assure you, that you cannot effectually "meet the most earnest wish of his Ma"jesty's heart, as by persevering in your "uniform exertions for the public welfare, "and by improving every occasion to "promote the prosperity of his faithful "people, from whom his Majesty has re"ceived such repeated and affecting marks "of invariable zeal, loyalty and attach"ment, and whose happiness he must ever "consider as inseparable from his own."

Now, Sir, let the committee but for a moment consider the nature of the precedent of 1788, and the manner in which the parliament acted on that occasion. If there is any thing in the argument that the measure which I am about to propose is unconstitutional, it necessarily follows that the act of opening the parliament of 1788 was illegal, and that the first step which his Majesty should have taken on his recovery upon that occasion, was to call a parliament substantively himself. Instead of this, however, we find, that the commencement and former proceedings of the parliament, which, according to the doctrine of the hon. gentlemen opposite, were illegal and unconstitutional, were recognized as valid in the commissioner s speech, in which a distinct reference was made to them. If the former proceedings of that parliament had been unconstitutional, is it to be conceived that his Majesty would have recognized or acted upon them? The gentlemen opposite may perhaps say, "Yes, because his Majesty continued to be advised by the same ministers who had recommended the prior proceedings in parliament."—(Loud cries of hear, hear! from the opposition benches.)—I now perceive, Sir, the strong point of the gentlemen opposite. I have touched the key on which all the chords of their feelings most sensibly vibrate. I now find what I could not possibly contemplate before ; in what my argument is deemed unsound. It seems that the gentlemen opposite are disposed to contend, that his Majesty continued to be advised by the same servants as had proposed the Regency bill to parliament in 1788, and therefore, that his recognition of the validity of the acts of that parliament afford no ground for the assertion ; that those proceedings were constitutional. Let those gentlemen however consider, that at that particular period there was no want of ability, of acuteness, or of disposition in this House, to urge any thing that could be urged against any minister. And let the House be informed, as they may be informed by their journals, that this speech from the throne, so advised by the minister who had recommended the former unconstitutional measures (as they are termed), was as usual echoed by the address from this House, which address I find by the entry on the Journals, was carried *nemine contradicente*. It may be said, and it is a feeling which I have no doubt that the gentlemen opposite would very readily applaud, that there might have been an inclination on the part of the House at that period to forbear from any measure, that might interrupt the harmony that had just been re-established, and therefore that they might have passed over any objections, however aukward or unpleasant it might be to them. But surely those who wished to support the patriotic character of their political friends of that period—those who affect to inherit the principles of the great leaders of opposition in that day. will not say, that an act of so grave a nature, one to which they applied the strong term unconstitutional, would have been allowed to pass uncensured out of compliment? And if this argument of the gentlemen opposite were to suffice for that session, what would they say to the total silence that had been observed on the subject during the remainder of that session and in all succeeding sessions? I grant that in the joy of congratulating his Majesty on his recovery, the attention of the House might for that day be absolved. But there were following days. If not on the next day, yet at no great distance of time some motion of consequence might have been made. Some record of disavowal might have been entered on the journals. Some allegation of impropriety might have been endeavoured to be established by proof. But no: the whole session was held without any such occurrence. All the acts of parliament during that session, by which private and public property were disposed of to an immense amount, were held legal. Is it possible to suppose, that if every one had not been convinced that this was a legal and efficient, and a constitutional session of parliament, some one of those, who opposed the administration, would not have taken some step by address, by resolutions, or otherwise, to express and record his opinion? This is a transaction, too, which took place upwards of 20 years ago; since which period there have been several successive parliaments and successive administrations. There have been occasions likewise on which the attention of parliament and of the public has been awfully directed to a repetition of the circumstances in which the transactions of 1788 originated; and yet, with all these provocatives to remark, not a single instance has occurred of the slightest attempt at accusation. I trust, therefore, Sir, that the Committee will be of opinion that I take a strong and firm ground in fixing my proceeding on this precedent; a precedent established after a profound investigation of our history and of the principles of our constitution. To argue the original case would be a waste of time. It would obscure rather than enlighten. I rest the merits of my proposed measure upon the precedent, which received the stamp and sanction of every branch of the legislative authority.

If I am right, Sir, in the view which I have hitherto taken of the subject, and I trust I have said enough to satisfy, I shall proceed now to consider whether the mode recommended by the gentlemen opposite (constitutional as well as mine) is more constitutional than mine, or more expedient. First, I contend, that parliament will think in a case of this nature—where we are placed in such a situation, that what we have to do is litle less than to provide a temporary successor to the crown—I contend, Sir, that in such a case parliament must and will be desirous of adopting some certain and defined measure. There is not any thing more generally to be lamented, nor is there any thing which the constitution more sedulously avoids, than the existence of any uncertainty with regard to the succession of royal power. If, therefore, I find that the course which parliament has already adopted on a similar occasion is unexceptionable in other respects, I am bound by every sound constitutional view of the subject to adhere to it; not because, if all were to be done again, something new might not be adopted; but, because, having been once done, it is advisable to abide by the precedent. This I contend to be a true view of the subject, without a comparative examination of the two proposed courses. And what objection is there to the course which I propose, which does not equally exist to the course proposed by the gentlemen opposite? Are there not in fact many objections to their course which do not exist in mine? I have heard it argued on a former occasion that the proceeding by bill would be an assumption of legislative power by the two Houses of parliament, and fell within the meaning of the statute of Charles II. which made is a premunire for any one to assert that the two Houses had such power. But this argument is as hostile to a proceeding by Address as to a proceeding by a Bill, (No, no, from the Opposition benches.) Let those who think this a false statement, consider the subject a little.—I maintain that the effect of proceeding by Address would be to legislate. The gentlemen opposite propose to address his royal highness the Prince of Wales. To become King? No; to become Regent. What is a Regent? Do the gentlemen opposite know? Does the law know? Does the constitution point out what are the duties of a Regent? But were it particularly established what power a Regent should have, and what power he should not have, if the two Houses of parliament were to say to any individual, however near the throne, and however deserving of the throne, "step into the throne," would not that be an act of legislation? If not, what is? Is not taking power from one party and giving it to another an act of legislation? But supposing that the office of Regent were intelligible, and that his rights and duties were strictly defined, what would be his first act after his appointment? I apprehend the calling together of his Majesty's parliament. How would he call them together? Would it not be by authorizing the individual who happened to be in possession of the great seal, to put the great seal to some commission, either authorising the Regent himself, in the name of his Majesty, to open the parliament, or authorizing commissioners appointed by the Regent for that purpose? If it be an act of legislation in us to authorise the individual holding the great seal, to put that seal to a bill, would it not equally be an act of legislation were we by an Address to authorise another individual to command the great seal to be so put? I defy the utmost ingenuity of the hon. gentlemen opposite to shew how any one legislative act could be accomplished by the Regent without the use of the great seal, which nothing but the authority of the two houses of parliament during the suspension of the kingly power, could warrant him in using. It would seem, however, by the arguments of the hon. gentlemen, that when the two houses of parliament direct the individual possessing the great seal, to apply it to a public instrument, it is an act of legislation; but that when they authorize some other person to direct the same thing precisely to be done it is not an act of legislation! It is true that the one case is clearly and distinctly intelligible, and that the other is a little covered over and obscure, but the things are precisely and essentially the same notwithstanding. The authority of the Regent to order the great seal to be affixed to a public instrument, would be transferred through the two Houses of parliament.—It would not be the authority of the Regent, but the authority of the two Houses of parliament. On one way or the other, therefore, it must be an act of legislation, and the only question for the committee to consider, which course upon the whole is more expedient as well as more consistent with constitutional principle and parliamentary practice, to be adopted, in the discharge of these important duties, which the unhappy necessity of the occasion imposes upon parliament.

I shall now, Sir, go on to consider the manner in which the two different measures proposed would be accomplished. In a case of this description, is it nothing to preclude any proposition from being carried into effect by a single vote? On a question which is no less, than to put the royal authority into other hands, ought we not to guard our proceedings with as much deliberation as possible, at least as much as the forms of parliament secure to the least important measure? What the gentlemen opposite propose, is to transfer the whole regal authority by a single vote? Am I to understand that the proposers of the Address are willing to transmit the whole power of the crown, without limit, qualification, or reserve, or that in this mode of legislating by Address, it is intended to specify any limit or qualification in the body of the Address? It appeared to me, Sir, that I received the universal assent of the committee, when I said, that it was necessary to provide means by which his Majesty might be enabled to resume the royal authority on his recovery. Are we to make a Regent without such a provision? Are we to leave him to advisers who may mislead him, for regents may be misled as well as kings? Are we then to leave all those points solely to the wisdom and consideration of the Regent's advisers? Would this be a fair execution of our double trust? More particularly, would it be a fair execution of that part of our trust, by which we are bound to secure to his Majesty, on his restoration to health, the restoration of his undiminished authority? I am persuaded, Sir, that no one will suppose that either in the observations which I have made, or in the observations which I shall make, I mean any thing incompatible with the utmost possible respect for the character of his royal highness the Prince of Wales. But let me remind those who are now willing to intrust immediate power into the hands of his royal highness, in the strict confidence that that power would not be abused, what have been their sentiments on similar subjects. If it were a question which related to his royal highness's character, I would say—let those gentlemen appreciate that character as highly as it deserves to be appreciated; let them exalt it as highly as their imaginations will permit them; the higher they establish, the higher they raise his royal highness's character, the more cautious ought we to be not to establish a precedent of power devolving into the hands of an officer, not from a consideration of the difficulties which would attend a just limitation of that power, but from the merits of the individual on whom it is conferred. In proportion as those merits are distinguished, ought we to be cautious in our proceedings, lest we legislate beneficially, perhaps for the present age, but, for what we know, most injuriously for future ages. Let the committee consider, Sir, how far it might be safe to suffer such a principle to be established as that asserted by the gentlemen opposite. If in a future period of the British history, the monarch should be afflicted with a calamity similar to that which his Majesty is now unhappily enduring, and if the apparent successor to the throne, at the period I am imagining, should be of a character the reverse of that of his royal highness the Prince of Wales, how invidious, how dangerous, would the duty of parliament become? With such a precedent they could not deny that it had been deemed wise, in a similar case, to invest the heir apparent with full and immediate power; they must therefore be driven broadly to state that that which was wise in the reign of George III. would not be wise in the period at which they lived. I challenge any person, therefore, to show that character will justify a departure from the principles of wise legislation, whatever may be the opinion of other persons upon other parts of the subject.—Whether they consider the restraints as too many or too few —whether they consider the limitations as too much or too little determined, I call upon the committee to determine this important constitutional question, whilst they are yet competent to do it, and before they formally sanction the possibility of a negative upon their decisions.

As to the appeal which has been made to the precedent of the Revolution: I must still contend the circumstances are wholly different. At the period of the Revolution the House will recollect that another monarch was placed on the throne. The throne was then vacant; it is not so now. Now, a new office is to be created, to be executed in the King's name: then, only an old one was to be filled up. The cases are far from being parallel, and the reasoning that is derived from the one, is inapplicable to the other. An hon. gent. indeed, the other evening adverted to the Address from the parliament of Ireland, to his royal highness the prince of Wales in 1789, and contended that after the Union the precedents of one parliament were as good as those of another. With respect to the different situations of Ireland and of Great Britain at that period, I will not enter into any discussion, but I beg leave to make a remark on the comparative validity of the precedent brought forward by the hon. gent., and that adduced by myself. I have shewn how the parliament of Great Britain acted upon the result of an examination of the history and constitution of the country, and how the precedent then established has been confirmed by the same and subsequent parliaments. But what has been the conduct pursued in Ireland? There, the lord lieutenant (the marquis of Buckingham) refused to transmit to this country the Address which that Parliament had voted to the Prince of Wales. What was done respecting that refusal? After the recovery of his Majesty, were any measures taken there upon the subject? Did any body hear of an impeachment of the marquis of Buckingham, or of any proceeding having been instituted against him, or relating to his refusal? Was there any such proceeding resorted to, in any succeeding parliament? No! I am aware, I may be told, that there was a vote of censure; but could gentlemen say that any thing was done in consequence of that vote? Quite the contrary was the case with respect to our precedent of 1788. Our whole legislature afterwards acted upon it: all the three branches of the constitution acknowledged and acted upon it. In Ireland, the measure of an Address, was, at the most, only sanctioned by two branches of the legislature, and this could make no small difference with respect to the authority of the two precedents.—Having thus endeavoured to go through the leading points of this measure, having endeavoured also to point out the distinctions between it and the plan proposed by gentlemen over the way, and having shewn the preference which in my opinion is due to the mode of proceeding I have submitted, I hope I have redeemed my pledge given upon a former night to state distinctly, my view of this important subject, grounded on the acknowledged and confirmed precedent of 1788; a pledge, that there was nothing in my proposition unconstitutional in its principles or practice, derogatory to the royal dignity, or insulting to his royal highness the heir apparent to the crown. But, if my opinions were like those of some others, in favour of conferring the unrestricted and unlimited powers of monarchy on the Regent, still I would say, that, even in that case, it ought to be done by Bill and not by Address. As no claim of right has been stated on this occasion, it is quite unnecessary for me to dwell on that subject, which I must presume to be settled. If any such claim were brought into consideration, I must be allowed here to remark, that it would apply equally to both the measures, either that of Bill, or that of Address. To the wisdom of the House then I shall leave the decision upon this great question, conscious and confident, that in the course of proceeding which I shall have the honour to submit, and which I have just detailed to the Committee, I have taken that line, which in my humble judgment is most consistent with a due regard to the honour of the King, and the true interests of the people — most conformable to the dignity of the crown and the principles of the constitution.—The right hon. gent. then proposed the first Resolution, which was read by the chairman, and carried *nem. con.*

He then rose, and moved the second Resolution, which was read by the chairman; and on his putting the question that it do pass,

Sir *Francis Burdett* rose and said, that before that House could come to a decision upon this question, they ought to have ascertained the opinions of their constituents respecting it. With regard to the Resolution then under consideration, he could not bring himself by any means to concur in any Resolution, which, speaking of the present parliament, called it "the Lords spiritual and temporal, and Commons of the United Kingdom of Great Britain and Ireland, lawfully, fully, and freely, representing all the estates of the people of this realm." To this assertion, it was perfectly impossible for him ever to give his assent. He denied, and was always ready to appeal to facts in support and in proof of his denial of such an assumption. If they were not so, the people of this country ought to be taken at least into some consideration, on this important occasion. The right hon. gent. who had just sat down had alluded to fine-spun schemes, which he supposed to be in the imagination of those who happened to differ from him in opinion. He (sir F. Burdett) had nothing to do with fine-spun schemes: it was not even the principle contained in the second Resolution that he would condemn; but he would ever strenuously deny that it stated correctly a fact, when it asserted that House to be a body of representatives "legally, fully, and freely representing the estates of the realm." [Disapprobation.] This, he would deny, and particularly as applied to parliaments of later date, and to this parliament especially, whose conduct had put parliament itself in this predicament, that it had lost its former credit with the nation—this parliament which had done so many acts which had brought it into disrepute, that he could never consent that it should pass a Resolution containing what was so contradictory to truth, to the notorious facts that had been offered to be proved at the bar, of the manner in which seats were obtained in that House, of the corruption that prevailed in it—of the undeniable abuse by peers returning 144 of its members to that House. [Here the cry of disapprobation was renewed very strongly for some time.] The hon. baronet having resumed, said, that he felt it his duty to protest against such proceedings; that in a situation so extraordinary, the voice of the people should be collected; and notwithstanding all that was said by the right hon. gent. he was convinced, that there was no case in which the analogy to the present was so complete as that of the Revolution. The right hon. gent. had merely asserted that there was no analogy between that and the present, but he had proved nothing. What was the case at the Revolution? It was a case of incapacity of the sovereign, not a case of that personally afflicting nature which was unfortunately the malady of his present Majesty, and which every feeling man must deplore. No! it was an incapacity arising from a religious bigotry. That was the species of insanity which led naturally to disorder, and which the constitution of this country could not endure. It was, therefore, an incapacity to exercise constitutionally the regal functions. It was contended at that time by some, that the throne was not vacant. That was answered by others, "Prove to us by some act of the kingly office that the throne is full." It mattered not to the interests of the nation whether bigotry or wickedness, or the severe hand of affliction which pressed on the present King, rendered the sovereign incapable of performing the duties of the kingly office. In either case, our great business, on knowing the fact, was not an examination into the cause, but the adoption of the remedy. But how had the right now asserted devolved on that House? How could this be shewn by the forms or spirit of the constitution? How would gentlemen prove that the constitution was not destroyed, when that vital organ of a free people, the Commons House, was notoriously corrupt, and when that high power from which all rank proceeded, and without which no legal government could be carried on, was incapacitated? The plan of the right hon. gent. went directly to the subversion of the constitution. This was a Revolution, only with this difference from that of 1688, that in that case, the people of this country were counted for something. Then the city of London, the respectable gentry throughout the country, reckoning all members who had sat in parliament from the last parliament of Charles 2, were called together in a Convention Parliament, to settle the great interests of the state, and remedy the defect in the kingly branch of the constitution. Now, indeed, the proceedings were far from similar—were widely different. Now, a House of Commons, without any appeal to the people, their constituents, usurped power for themselves. A House of Commons—a member of which had been turned out of his seat for not voting as ministers desired;—a House in which a minister had been accused, in connection with a noble lord, of trafficking for seats;—a house that had allowed lord Melville to tell them, that he would give them no account of his application of the public money;—a House that had endeavoured to cover with oblivion the disastrous and disgraceful expedition to Walcheren! He had read of various appellations given to former parliaments—of the Long Parliament, of the Rump Parliament, of the Unlearned Parliament *(Parliamentum indoctum)*: but if a name were to be sought in order to designate and to express the peculiar character and merits of this Parliament, it would probably be best designated by the appellation of the Walcheren Parliament. (Hear! Hear!) Thirty years ago, Sir George Saville had said, that the House of Commons were as much the representatives of any other place as they were of the people of Great Britain. And what had been done since to wipe off that reproach? The plan which the right honourable gentleman would persuade the House so to agree to, was to make him governor of the country, and to let him put the crown into his pocket! The precedent of 1788 was formed, and was now pursued by that same faction which had for so many years prevailed in the country, with so much disadvantage to its best rights and interests, and without any other view that he could discover, except that of retaining their own places and emoluments. Where, if the House freely and fully represented the people, would they feel the difficulty of appealing to the sense of the people? Of such an idea some would say, "This is Jacobinism!" But his jacobins were lord Coke and Mr. Justice Blackstone. Speaking of the law of Parliament, lord Coke said, in allusion to former transactions, that we heard of the "Lex et Consuetudo Parliamenti," but by what he called a novel device the Houses could confer with each other, when parliament could not confer with its constituents. Did gentlemen seriously think that parliament ought not to take the people a little into consideration? Judge Blackstone said, that the constitution had three distinct branches or powers. He had explained its excellencies by shewing the independence of those branches. "How dangerous," said that learned judge, "it would be, were peers to interfere in the elections of the commons, and exercise the right of taxing the people!" The people were to be protected by the power of the crown against an oligarchy, or a faction of nobles, and they were themselves to be represented by the Commons. Judge Blackstone compared the constitution to a machine moved by three weights; the body not taking the direction of either, but taking the right direction of the plenum of the force, and not liable to be overturned but by destroying the equilibrium between one branch of the legislature and the rest. Mr. Paine, writing about monarchy, had asked, Whether it was a metaphor, a trick, or a cheat? What would the right hon. gent. say in answer to such questions? Would he tell them, it was useful and necessary? Would he say, what were its services? What answer would he make? He shewed by his conduct at least, that it could be done without. Whether he proceeded to replace the whole monarchy in all its powers, or limited it, in whatever hands he placed it, (for the hon. baronet would not say there was any right in any individual, since there was no law on the subject that gave such a right, and the Prince, therefore, might have no more right than any other); yet he would affirm, that they, the House of Commons, had far less pretensions and claims to the executive government of the country, than the heir apparent to the throne.—He did not pretend to maintain the right; but taking the expediency of the case into consideration, he would ask, could any thing be more easy than to supply the vacancy in the same manner in which it would be supplied by law in the event of the King's death? Was it not more expedient and more analogous to the constitution, to place the power there, where by legal course it would in due time go? Was not that better than to go on in such perilous times, with a weak and divided government? Could any thing be more likely to cramp and paralyse all the energies of the country than an executive in such a state? If it was true that the kingly office had too much power, control it. If the King had more than was necessary to animate exertions, to reward merit, and to repress crimes by punishments, it was as necessary to take it from a King as from a Regent. We ought, at all times, to have an entire executive; but especially now. As to what was said of the character of the King, whose unfortunate malady he deplored as much as any man, when he heard such observations, always coupled with the panegyrics of the worst and most unfortunate of ministers on their own conduct, notwithstanding all his wishes to control and check his feelings, considering the circumstances of the case, he must say that it was a little more than he could endure to hear the praises of such grievous exactions and heavy calamities as the country had never before been made to suffer.

He could not omit to take that opportunity of saying a few words respecting the examination of his Majesty's physicians: and here, he must observe, that it appeared to him perfectly clear that the King had never been thoroughly well since the year 1788. It appeared that the public had been deceived upon this subject. (Disapprobation.) Ministers had dared to carry on the government in such circumstances while the executive was in the weak state, which now appeared. It was a lamentable, a contemptible thing to employ time in such examinations of the physicians as to their opinions or conjectures when the King would return to what they called a state of competence to the exercise of his royal functions. Ministers proposed in the present state of defect in that vital organ of the constitution, without which the legislation of the country could not be carried on, to bring in and pass a bill, an act of parliament, in the face of another act of parliament of the 29th of Charles II. expressly denying the legality of such a proceeding by the two Houses without the kingly power. They proposed further, to make out a commission, purporting to give the assent of the King to their bill. The whole bore, and must bear to the people, the appearance of a fraud and a sham. He would affirm therefore, confidently, that in adopting that course they, or the Chancellor of the Exchequer, were about to make a king: That the minister was making a king to put into his own pocket! If he could persuade the House to remain so long without a king, and then make one for his own purpose, how could he avoid the unpalatable conclusion drawn by some persons unfriendly to the constitution of this land? The House had in a former session, appointed a committee to consider and report upon the number of sinecures. Upon the right hon. gent.'s plan, illustrated by his conduct for the last two months, he might as well refer the highest office in the state to that committee. But far different opinions indeed did he (sir Francis) entertain of the use and dignity of the office of the King! He thought that the King ought to be a great and an efficient magistrate. It would be little less than treason to the constitution and the country to continue to go on passively as we had done for some time, or to refrain from the declaration of his opinion on this most important occasion. What did it signify to the country, then, by what names and distinctions physicians called or defined delirium and insanity, and so forth? Was it, he would ask, fit or safe that when the King was incapacitated by either, such a state of government should go on, vacillating, from time to time; ministers sometimes concealing the facts from the public, and at other times unable to conceal them? If an effectual recipe were wanted for making confusion in the country, he never heard of, nor could he imagine any thing better for that purpose, than the scheme of the minister! One of the physicians, sir H. Halford, it appeared, had thought his Majesty fit for transacting public business between the 25th and 27th of October, and another physician, Dr. Bailey, thought he was not. Should the safety and the happiness of this country rest upon such lamentable uncertainty? He must say, that he thought the provision to be made ought to be a permanent provision. Who could say, under all the circumstances of the case, what consequences might happen? Suppose, for instance, the invasion of Ireland, by a French army. Might not the intelligence of such an event seriously affect his Majesty's health? He had heard that some physician had ascribed the greatest danger to be apprehended to the King's health as likely to arise from the mentioning to his Majesty certain subjects. But without dwelling longer on topics, upon which it was to him most painful to touch, he must repeat, that he considered it to be a species of treason to the country to suffer the government of it to continue longer in such a state. He objected to all the Resolutions except the first. That was, unfortunately, too clearly true. To the second he had stated an insurmountable objection, because it contained a false assumption respecting the character and composition of that House. To the third, he objected entirely, because he considered it to be contrary to the fundamental principles of the constitution. What view had the right hon. gent. entertained for these six weeks past but that of delay? Was not that in his view still, in the measures he adopted? What was there in what he did then propose which he might not have done before?—The hon. baronet entered his solemn protest against the whole of the proceedings, as miserable shams and pretences—as aiming a mortal stab at the constitution of the country—and making an oligarchical House of Commons, varnished over with forms, to govern the country. He should therefore sincerely vote against the second and third Resolutions.

The second Resolution was then read and passed with the dissent of sir Francis Burdett, but without a division.

The *Chancellor of the Exchequer* then moved the third Resolution, which was accordingly read by the chairman, and on his putting the question,

Mr. *Ponsonby* rose and said, that in all that had fallen from the right hon. gent. relative to the extent of the heavy calamity that had befallen the country—in all the expressions of the affliction which must be felt upon this melancholy occasion, and in all the assurances of affection to the sovereign, from the House and from the people, he most heartily concurred. He also warmly participated with him in the wish and the hope that his Majesty might soon recover his health in so complete a manner as to be enabled to renew the exercise of all his royal functions, now, unhappily for the nation, suspended by a severe malady. But in almost every thing else he differed from the right hon. gent. The right hon. gent. had said, and had congratulated them on the circumstance, that their deliberations in that House on this important subject had been heretofore marked with moderation, gravity and abstinence from acrimony and the intrusion of party feelings, which presented to the country a cheering spectacle, and one widely differing from that exhibited in the year 1788. Now, whatever gratification he, as one of the persons of his side of the House implicated in this praise, might feel from the compliment, he must say, that he could see no reason why the right hon. gent. should have travelled out of his way to commend them, at the expence of throwing obloquy on those, the most of whom were now consigned to the grave:—Why he should have gone out of his way to revive, if he could, that intemperance and acrimony which he deprecated.—(Hear, hear.)—He united with the right hon. gent. in his expressions of admiration of the talents possessed by the great men who took the lead in the political affairs of that day; but he must still say he thought the right hon. gent. might have left their frailties, if they had any, to sleep in the graves of the illustrious dead, nor rake up the ashes of a Fox or a Pitt, for the purpose of unnecessary censure.—(Hear.)—The right hon. gent. had told them, that he understood from what had fallen from him (Mr. Ponsonby) on a former night, that an objection would be taken to his third Resolution, as not being conformable to the British constitution; and assuming the principle to have been acquiesced in on the former occasion, had called on the gentlemen on his side, as the successors and inheritors of those who legislated in 1780, to follow their example, and defend by its adoption in this instance, the rights of the King and the liberties of the subject. For his part, he was not the inheritor of any man's principles, but the asserter of his own;—and he defied the right hon. gent., or any other hon. gent., to shew that, during his life, he had ever been guilty of any political inconsistency. In the year 1788, he thought the course adopted by the British parliament unconstitutional, and he thought so still, on the grounds which he would now proceed to state to the committee.

The right hon. gent. had said, that there was no analogy between the difficulties with which this country was embarrased at the period of the Revolution, and at the present time, and that consequently a different course of proceeding was now necessary. But for his own part he rather agreed with the hon. baronet who preceded him, that there was much parity between the cases. What was the case which at present they were called on to provide for?—An absence of the exercise of the kingly power. What was the cause of this absence?—Not the abdication of the monarch, but his incapacity to execute the duties of the regal station. It was to supply the deficiency that the parliament then, as they did now, met to deliberate. The person was absent then—now the mind—and in this consisted the defect which they were bound to supply. But in what way did the right hon. gent. propose to proceed for the purpose of accomplishing so desirable and necessary purpose? The mode proposed by him was to supply the mental incapacity which existed, by a Bill—an act which implied the assent and consent of the three branches of legislature, and of that very branch whose incapacity rendered it necessary, and on which incapacity it rested as the ground for its necessity!—It was an act by the Commons and by the Lords, directing by their authority the royal assent to be given to that public instrument by which the King was declared incapable of the exercise of regal authority! It was, indeed, to make incapacity capable—to make insanity rational, and to call on the monarch, whose powers were suspended, to declare his successor till such time as it might please Providence to restore them! Were they themselves then rational? Were they capable? Could they then be in possession of their sound senses if they yielded to such a proposition? Never let the greatest advocate for protestantism; never let the most captious censurer of the catholic religion, call transubstantiation a fallacy, for it was no greater mockery in the priest to declare that to be true, against the evidence of the senses of the people, than for a grave legislature to affect to procure an assent from one declared to be incapable of giving it! Let the right hon. gent. try his utmost to persuade them into such a measure, but he trusted they would never be guilty of so palpable an absurdity. He (Mr. Perceval) might think it sufficient to tell them he had found a precedent in the year 1789, which being followed, the King, on resuming his authority, would ratify what had been done during the suspension, as he had done in the former case, in which, however, it should always be remembered that the same ministers continued in office. Did he think that was sufficient to establish this precedent as right, fit, legal and constitutional, against the dictates of common sense and reason? The right hon. gent. had undoubtedly informed them in his statement, that on his resumption of the royal functions, his Majesty issued a new commission and gave his assent to the bills which had been previously in progress, in both Houses. But he must observe that whatever might have been urged against the bill before that period, from the time this new commission was issued and assent given to the bills which had passed; from that time the parliamentary proceeding was as complete as it was at the revolution, when the parliament ratified what had been done by the convention. The right hon. gent. had also stated to them, that it was their duty as their right, to provide for the deficiency in the executive, which arose from the incompetency of the monarch to fulfil the regal functions. He was, he would readily admit, of the same opinion, and only wished to inquire and ascertain what it was they were thus called on to do, and what was the proper and constitutional method of executing their purpose. If they considered these points, they must see that it was surely their first duty to provide for this incompetence by supplying the deficiency, with one competent to the discharge of the royal functions, and likely to discharge them with a free mind and disinterested purpose—one mentally competent to fill up all the functions of the station and with the full authority of the legislature—one able to exercise the regal powers in the same manner as the King himself could do, were he not prevented from its exercise by indisposition. The right hon. gent. had, however, gone still further in his assumptions, and asserted that it was the right of the two Houses, to have the command of the great seal; but he must observe of the right hon. gent. that he had confined himself to the assertion, and had neither thought it necessary to quote the law of the land, nor any principle of the constitution, in support of this novel argument. For, he would ask, whose great seal it was that was thus asserted to be at the command of the two Houses? It was the King's great seal, not the great seal of the House of Commons, or of the House of Lords, or of both Houses together. The King made it act, and if the King could not direct the lord Chancellor to use it, it was not competent for any other power to attempt it. If the King could not direct him (the lord Chancellor), could the Houses of Parliament supply the defect, and take upon them to give such direction? They certainly had not either by the law or the constitution, any authority of the kind intrusted to them. But by the plan now proposed, they were called on to begin by usurping an authority they did not possess over the great seal, and to make it act conformably to their own opinions. It was impossible for him to consent to this usurpation; and though the right hon. gent. had declined seeking for other precedents than that one of 1788, which answered his own purpose, and indeed denied that any other analogous to the present case existed; he begged leave to call on the Committee to examine with him a little into those which, in his mind, were parallel and applicable to the situation in which they now stood, and to inquire if the assertion of the right hon. gent. was warranted.

Since the era, when the constitution assumed a more exact and methodical form than it before possessed, and the exercise of the powers of the different branches of which it was composed were more defined and better understood, only two analogous cases had arisen—these were, the Restoration, and the Revolution. In the first, the King was to be restored; in the second, to be created; but in neither was a proceeding similar to that now proposed, recommended or adopted, as it had unfortunately, been by the legislature in 1788. On the first of these occasions, they would find entered on their own Journals, as the ground for the proceedings of the convention, which emanated from the Rump Parliament, the Letter and Declaration of king Charles 2, from Breda*. This was the first entry, and this therefore was the basis, the foundation for all that followed. The letter from the King, which accompanied the declaration, was delivered on the 25th of April, and he arrived in London on the 29th of May. He mentioned those things for the purpose of calling their attention to a very material consideration, but being unwilling to take up their time by reading from the statutes, at length, what was applicable to his argument, he would briefly notice the relevant parts, and refer for the accuracy of his statements to the volume on which he had laid his hand, and in which he had marked out the passages referred to. In this interval between the 25th of April and 29th of May, an application was made from the House of Commons to the House of Lords to put the great seal into activity, and the reasons assigned for this request were, that from its suspension the courts of justice were at a stand, and could not proceed with the execution of their duties, without that measure being resorted to. This application was more than once renewed, but the Lords would not take any step with the Commons in the matter; and in point of fact the great seal never had been put into activity till the Restoration of the King had taken place, and Charles 2 himself made out orders for the use of it. He was aware that it might be urged, that this seal was not that of Charles 2, but that of the Republic—of some of the parties that in that time of anarchy had gained an ascendancy; or of Oliver Cromwell, in some of his assemblies which he called parliaments: but it was that seal by which the Convention Parliament acted and dispensed laws to the country. The Lords, however, did not act as solicited, and the Commons gave up their proposition, as they discovered that the great seal could not be put in a state of activity without the King.

The other period to which he had alluded was the Revolution. Of this the right hon. gent. had affirmed that there was no analogy between that period and the present time, as a King was then to be made; while on the contrary, now, a deficiency of the royal functions only was to be supplied. Before, however, he should proceed on this topic, he begged, in the first instance, to notice that the hon. bart. (sir F. Burdett) was not correct in his quotation from history as applying to it.—It was not as he (sir F. Burdett) said, the Convention composed of all those who had been members of parliament in the reign of Charles 2, of 150 citizens from the city of London, a deputation from the aldermen and from other bodies; it was not this Convention which tendered the crown to the Prince of Orange. They only addressed the Prince to call a parliament, consisting of members to be returned from the different counties, cities, and boroughs, which before sent members to the House; and it was the parliament so chosen and assembled by such writs, issued in pursuance of this address, that made the tender of the Crown ascribed by the hon. baronet to the preceding Convention.

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* See Cobbett's Parliamentary History, vol. 4, p. 15.

He would now, with the leave of the Committee, turn to the examination of the parity between that time and the present. At the Revolution, the national interests, embraced in the deliberations of parliament, were of greater consequence and vitality than any that on this occasion ever could come under their consideration. Their religion was attacked; their liberties were endangered; and the King, assuming rights which, by the constitution, did not belong to him, went so far as to look on parliament as a nuisance, and to attempt to exclude them from all power in the legislature and all controul over his government. The people had then to assert every thing; their religion, their constitution, and all that was dear to them as freemen and as Britons. There were at that time flourishing, men who well understood the constitution both from theory and practice; men who had lived through a turbulent, but also an enlightened period, when political information and discussion were carried to the highest pitch of refinement and perfection. They determined to place the Crown on the heads of the prince and princess of Orange, and it could not be doubted, but in their endeavours to effect this, they would do it in the most constitutional manner, and in a way most likely to promote the security of their own rights. But they never thought of such a plan as that now offered by the right hon. gentleman. They, indeed, proceeded, according to their views of the constitution, in a manner widely different from that which the right hon. gent. recommended. Upon reading the understood compact between the elected sovereign and the country, upon which the Bill of Rights was founded, in the presence of William and Mary in parliament, they immediately proclaimed them King and Queen of Great Britain. They did not think it necessary to have recourse to fraud or fiction, or to make the great seal act without the authority of the power to which it constitutionally appertained. They thought the declaration of the two Houses expressive of the condition on which they recognised their new sovereigns, sufficient to establish the throne of William and Mary, and therewith to provide an adequate security for their own religion and liberties. But the right hon. gent. had drawn a distinction between that case and the present, a distinction, because that proceeding was to make a King, this only to supply a deficiency in the kingly power. He could not see the force of this argument; on the contrary, it seemed to him to lean the other way. For to make a King was paramount to the mere remedying of a defect; and therefore, if proceeding by way of Address was thought sufficient in the greater cause, it must of course be considered as sufficient in the lesser emergency.

With regard to the proposition to proceed by way of Bill, he was really astonished that the right hon. gent. could ever have offered it. Unlike common cases, the more he contemplated it the more his astonishment increased—the more he was lost in surprize that ever the British parliament could at any time have adopted, or that having adopted it once, it should ever again be submitted as an example fitting for them to follow, on the recurrence of a similar situation. To this Bill it would be necessary to have the royal assent before it could be efficient or complete; and he would be glad to be informed by the right hon. gent. or any hon. gent. on his side, how this royal assent could be given or known? It could not be acknowledged by the law of the land? for the law said that the royal assent must be given by the King personally in full parliament, or by commissioners appointed by letters patent under the sign manual.—This was the law by statute of the 33d of Henry 8.—The law declared that there were but two manners of performing this conclusive part of a legislative act—either by the presence of the monarch, or by letters patent with the sign manual attached. Now, he would ask, was his Majesty capable of either of these modes? They unfortunately knew he could neither meet them in parliament, or even put his signature to a commission. By what pretence then could they assume to do that by fiction and by such an operose and artificial mode of proceeding, which, in point of fact they knew to be impossible; and more especially when, by a more unexceptionable pointed out by the constitution, and acted upon in the best times, it could so easily be avoided?—The law and the constitution furnished even stronger examples than he had yet alluded to in the support of the doctrine for which he now contended, and contended without the fear of refutation. In the same reign of Henry 8, an act was passed repealing and altering many of the acts of Edward 3, relative to treasonable offences. In the succeeding reign, viz. 1st of queen Mary, all those offences made treason by the acts of her father, were taken away, and the acts themselves repealed. And in the very same year that this was done, an act was passed which rendered the counterfeiting the great seal high treason. So it was then, and so it continued to be to this day. From this it appeared that nothing could be more plain than what the law required to make the legislative acts perfect; and it was equally plain that a Bill was not the way to arrive at this perfect act. There was another instance in point furnished by the period of which he had been speaking. About the time of passing the act of Henry the 8th, also towards the end of that reign, an act of attainder had passed against the duke of Norfolk, which, in the beginning of the reign of Mary was reversed, and the reason was this, namely, that the royal assent had never been given to that act of attainder. Hatsell, in his volume of Precedents, had alluded to this case, but made a mistake in what he said respecting the preamble to the Bill. Though he (Mr. Ponsonby) was averse to troubling the committee with extracts from the books, yet as what related to this point was very short, he trusted they would indulge him with the liberty of laying it before them.—(Here the right hon. gent. read from the statute book, part of the proceedings in the Duke of Norfolk's attainder in the reigns of Henry the 8th, and queen Mary his successor.) From these it appeared that the reasons assigned for reversing the attainder, were, the sickness of the King, which prevented his attendance in the council chamber as usual to give his assent to the Bill. With regard to the commission, the words were still more expressly in point, and the attainder was declared to be set aside, because "the said commission was not signed by his highness's own hand, as he was accustomed to do, but stamped on, &c."—The act proceeds to state what the law of the land upon the subject is, in these words "The law of the land is, and always has been, that the royal assent shall be given in the presence of a full parliament, or by a commission appointed by letters patent signed by the King's own hand, according to the 33d of Henry 8th; and if it is not so signed, it is by the common law void, of non-effect, and is declared to be no act of parliament, nor ever to take effect as an act of parliament."—If they were looking for constitutional authority, could they meet with any thing more perfect than this? He asserted, that such a bill as was proposed, could not by law be an act of parliament. To get through with it, the right hon. gent. called on them to have recourse not only to a fiction, but a fraud; an imposition on the country, pretending to give the royal assent in a way in which by law it could not be given! This would be a monstrous and abominable imposition, and the more reprehensible, since they had an opportunity of following the more safe and easy mode chalked out for them in the best days of the constitution, which was fully competent to the attainment of their object, and had already been advantageously pursued in a crisis as important as ever could arise in any country.

The right hon. gent. had inquired of those who supported the mode of proceeding by Address, if by an Address they would not bestow authority equally great with what would be bestowed by a Bill. He had no hesitation in saying certainly, it would give the same powers; it would be an act of that House; and he meant it should have both those effects. He went along with the right hon. gent. in saying, that the two Houses of Parliament had the right, and they only had the right; and in his opinion, it was also their duty, to supply the deficiency in the executive. All that he contended was, that there was an improper and consistent mode of doing this, and that the mode he had now pointed out was this consistent mode. The right hon. gent. however had said, that, by following his way, the House would be enabled to tell his royal highness what were the limitations they wished to impose on him, whereas in his (Mr. Ponsonby's) mode of proceeding, they would have no such opportunity. This he denied utterly. It was just as possible to adjust the limitations afterwards, when the parliament was complete, by the revival of the royal functions, as it could be by the defective and unconstitutional act, recommended by the right hon. gent. For instance, did they wish to secure the custody of his Majesty's person, during his indisposition, to her Majesty, the Queen, in which he concurred with the right hon. gent. as he believed most people would do: was it to be conceived, or did the right hon. gent. imagine that his royal highness would refuse his concurrence to such an arrangement, even after, by the Address of the House he had been invested with the office and authority of Regent?

When the House should come to provide for the event of his Majesty's recovery, and the means of enabling him immediately to resume his royal authority, both of which events he heartily hoped to see speedily arrive, did the right hon. gent. think, that his royal highness, the son of his Majesty, would refuse his concurrence to such arrangements? As much right, surely, must lord Somers and the other persons who carried up the Bill of Rights to King William, have had to suspect that he would not agree to it, as the House had now to suspect that the Prince of Wales would, after the House had addressed him to assume the management of affairs during the indisposition of his father, refuse to agree to such limitations as the House should in its wisdom judge reasonable. When the House should have appointed his royal highness Regent, they surely must mean that he should have the power of assembling or dissolving them. Did the right hon. gent. however suspect that he would exercise that power without due discretion? Did the right hon. gent. suspect when the House should send up Bills which were necessary for the public welfare to be passed, that his royal highness would deny them his assent? If he did not suspect any of these things, what danger was there that any subsequent difficulty should arise, though the limitations should not go along with the appointment to the office of Regent? Another act that he (Mr. Ponsonby) should propose, besides the Address to the Prince of Wales, would be, that some proceeding should immediately be taken to give validity to what the House had done since its meeting and while it was not complete. Did the right hon. gent. suppose that the Prince of Wales or any of the royal family, or any other person, (for he did not wish to speak personally but generally to the question) who should be appointed Regent, would refuse to comply with the reasonable wishes of the two Houses of Parliament? He (Mr. Ponsonby) could not believe that the right hon. gent. could entertain such an idea of a person whom he himself proposed to appoint Regent of these kingdoms. He could not conceive so monstrous a proposition. The deficiency in the executive power must be supplied in some manner, and in the present calamity, there was no other source from whence the right to make provision for the discharge of the affairs of the state could be derived, but the two Houses of parliament. The question now was, in what manner this deficiency was to be supplied. The right hon. gent. proposed to follow the course pursued in the year 1789, a course contrary to the constitution, and a fraud on the country. If, in proposing this mode of proceeding, the right hon. gent. thought, that because one House of Commons had acted so wild a part and one so contrary to the constitution, he was bound to follow its example, he must confess that the present was the first occasion on which he recollected to have been told, that because a sensible man twenty years ago, did a wrong act, therefore that wrong act should now be followed by another of the same kind. Yet this he would contend was the sum and substance of the right hon. gent.'s argument, with respect to the precedent of 1788; in as much as he had not offered to shew, that the proceedings of that period were founded on law, the principles of the constitution, or preceding examples in the political history of the country. No; he had on the contrary said he would not argue the case—he contented himself with asserting the merit of the precedent, and, disdaining argument, appealed to authority. But he must remark, to him that authority alone was always absurdity. Yet if the House thought it right, and were convinced by what the right hon. gent. had said, they would of course follow his advice; but he hoped they would act on principle, not on fiction or fraud, and that they would adopt a course adequate to the completion of the object they had in view—a course in unison with the law and the constitution, and belonging to them of right as acting for the public interest during the incapacity of the crown.

He conjured the House therefore to pause before they were persuaded to adopt a measure, the truth of which no man could assert.—Would the right honourable gentleman, or any of his colleagues, say that his Majesty could by law give his assent to an act, when this was to do what they confessed he was incapable of, because it was done 22 years ago? As for the restrictions intimated by the right hon. gentleman, it was not necessary for him to enter at large into their discussion, for if the right hon. gent. was successful in carrying his measure, they would come more properly to be commented upon when introduced into the Bill he would consequently submit for the consideration of the House. —He must now, however, take the liberty to say, that if any considerable restrictions were in contemplation, he should consider them as highly inexpedient and improper. His royal highness the Prince of Wales was of an age at which most of our Sovereigns had been seated on the throne, and if at forty-eight he was incapable of being intrusted with the direction and full powers of the government, he would never, he feared, be fit for the throne.—If he was such a person as to cause the House to suspect him now, they ought not to be content with restrictions, but exclude him at once from the succession to the crown. But when, in addition to the impropriety of such restrictions as affecting the apparent heir to the throne, they took into view the impolicy of them with respect to the public welfare, he was convinced they would agree with him that severe restrictions were altogether inexpedient. For at what time were they to be imposed? Was it of profound peace? Was it of easy management? Was it of no danger? Was it of no burthen, when they would create and be satisfied with a crippled government, at this time when a government too weak was almost certain ruin? The right honourable gentleman had expatiated upon the blessings enjoyed by the country for a reign of more than half a century, and he agreed with him most cordially in ascribing to the sovereign every wish to contribute to the happiness and welfare of his subjects. But could they compare their present situation with what they had formerly enjoyed, and find so much for gratulation and triumph as the right hon. gentleman had done? Were they in prosperity, in ease, in tranquillity? Were they free from danger at home or abroad? or could they contemplate on the ministerial bench men of splendid talents, sufficient in this awful emergency to command the confidence, to guide the counsels and direct the energies of the state?—Could they be satisfied that such men were fit to be intrusted with the destinies of the nation in times of so much peril, difficulty, and danger?—He dared to say the right hon. gentleman considered himself as one of those blessings of the reign he had so panegyrized, for which they were bound to be so thankful, and that his Bill to continue the blessing of his government a little longer would be another! For himself he could not say that he felt any gratitude to him or to his colleagues for the great services they had rendered the country. They were not so splendid but they might be dispensed with; and he would boldly say, with all that respect and admiration for the King, expressed by the right hon. gentleman, that he should think the day of his departure from power the best day the country ever saw! He concluded by moving as an amendment, "That all the words after the word 'That' should be left out, for the purpose of inserting that 'An humble Address should be presented to his Royal Highness the Prince of Wales, requesting that he would be graciously pleased to assume and exercise the sovereign authority of these realms, during the continuance of his Majesty's indisposition, and no longer, under the title of Regent of the united kingdom of Great Britain and Ireland."—Should this amendment be adopted, he gave notice that he should have another motion to submit to the consideration of the Committee.

Mr. *Canning* rose and said;—The Committee has now submitted to their consideration the two different courses of proceeding, severally recommended on each side of the House, as fittest to be pursued in the present unfortunate situation of the country. Upon one side—upon that of my right hon. friend, the Chancellor of the Exchequer, the whole of the plan proposed has been laid before us. Upon the other side the general principle and introductory stage only, from which however we collect the nature of the intended subsequent proceedings. Thus situated we are now to determine what course it will be best to follow under all the circumstances. The duty, which devolves upon us, is to provide for a great and pressing emergency, by supplying the defect which has unfortunately taken place in the executive power.

In deciding the preference between the two modes recommended for our adoption, the committee is first called upon to exercise its judgment as to the degree of power and authority, which the two Houses of Parliament can justly claim to belong to them under the circumstances of so extraordinary an emergency. That, if not within the power of the two Houses of Parliament to supply the remedy which the exigency requires, it is not of the competence of any other existing authority, is a point agreed on all hands. Not the right, therefore, and the power, but the mode of exercising them is the question in dispute. On the one hand, it is proposed, that the two Houses of Parliament should set out as nearly as possible in the ordinary manner of legislation, passing an act, which, so far as they are concerned, would be an act of parliament in form, and supplying by a legal fiction the place of the third branch of the constitution, for the especial purpose of giving effect and validity to the one necessary act, so passed by them, and no further. On the other hand it is suggested, that the deficiency should be remedied at once by an act, which if it be not an act of legislation, differs from it, not in being something less, but in being something more.

To object to either of these modes its own positive difficulties and embarrassments, is only in other words to say, that we are in a situation of great embarrassment and great difficulty; and there is no course of proceeding under such circumstances, but what is and must be liable to some objection. It is, however, no fault of ours that we are so situated. It is not as in ordinary cases, to be imputed to any man, or to any measures, or to any series of measures, that they have brought us under these circumstances of perplexity. The infliction is from Providence alone. It is one which we all equally feel and all equally deplore; and which while we endure it with humble and patient resignation, and indulge the consolatory hope of its speedy termination, the most anxious wish of every man's mind must be to alleviate its inconveniencies, while it endures, so far as may be possible, and in the manner least productive of inconveniencies of any other kind.

Our situation, however, painful and perplexing as it is, is not wholly unprecedented. Among the precedents which we have to guide us, and which have been referred to in former discussions, I agree with both the right hon. gentlemen, who have preceded me, in not thinking it necessary for the forming an opinion on this important question, to look to those which are drawn from an earlier, and more imperfect state of the constitution, when we have it in our power to appeal to periods of a more recent, and perfect state of the constitution; not because I conceive that those former precedents might not, in the absence of better guides for the conduct of parliament, be resorted to with advantage, but because all the lights, which they afford, have been so recently explored, and brought together by the industry and intelligence of those who preceded us in this House, and who had to act two and twenty years ago in that instance, which bore in its circumstances the strongest resemblance, as it is in point of time, the nearest to that in which we now unhappily stand.

Of precedents drawn from more modern times, there are three, which have been particularly dwelt upon, two of them bearing upon the case by analogy, the third, that of 1789 (to which I have just alluded) by direct similarity in all its parts. It is obvious, that a direct precedent is likely to afford a more complete and certain guidance, than one, from which one can reason only by inference, unless there be in that direct precedent, some inherent vice and imperfection, which renders it wholly unworthy of imitation. Let us see first what are the circumstances of those which bear upon the question by analogy.

The first of these is that of the Restoration. In the circumstances of this I can find no similitude to the present case. By this an exiled monarch was to be restored to a situation of which he had been unjustly deprived—an acknowledged right long unjustly withholden, was to be proclaimed and re-established. Can it now be said, that any right has been withheld which we are called upon to adjudicate?—that any violation has been offered which we are called upon to repair? Is there now a monarch waiting the decision of parliament to be restored to his rights and reinstated in his sovereignty? If such be the predicament in which we are placed, the Restoration is an authority to which we may properly be referred; but if it be clear, that we have now no right to adjudicate—no violation to repair—if we are not about to create a power, but to supply a temporary defect in the exercise of it, surely the authority of that precedent cannot be considered as binding, whose circumstances are shewn to be so totally dissimilar. When the right hon. gent. says, that both Houses of Parliament acted in that instance, as he has described, he in reality says nothing more than that they did what was necessary in the circumstances of that particular case, and nothing beyond it. In that particular we shall do well to follow the principle of the example set us by the parliament, which called Charles the second home; but the details of the transaction appear to me to hold out no other light, which can be of any use to us on the present occasion.

We come next to the precedent of the Revolution. Splendid and cheering to the recollection of Englishmen, as the great event must always be, it will be right and wise in the Committee, before they permit their feelings to hurry them away, to consider what the object was of the parliamentary proceedings at that period? Was it to provide for the care and custody of the person of the monarch? Was it to ensure his return to the government of the country upon his restoration to health? Was it to erect a temporary authority during an accidental defect of the competence of the sovereign? or was it not to provide against the restoration of James, and set up safe-guards and barriers against his return, to defend the crown, which they proposed to transfer, against the hostile approach of its ancient possessor? Was not the throne declared vacant by James's abdication? And was not this declared vacancy the ground of all the subsequent proceedings? Is there any resemblance, therefore, or is there not rather a direct contrariety between the case of the Revolution, and that for which we are now called upon to provide? Has our Sovereign forfeited his throne? Is it our purpose to declare the throne vacant? or is it not the first and fundamental principle of our proceeding, that it is full? Is it any part of our object to retard and embarrass the resumption of the exercise of the royal authority by our Sovereign, or is it not our fervent prayer, that it may be speedily resumed? I do not mean to say, that while considering what is to be done in a crisis of great difficulty, there may not be some advantage in comparing it with what was done in cases so far resembling it, as to have some of the constituent parts the same, but their arrangement and relations to each other different, and even opposite. Undoubtedly some suggestions may be borrowed—some assistance derived from such cases, but the assistance is that of analogy, and an analogy founded not upon direct inference and application, but upon a comparison of points of difference, and of circumstances directly the reverse of each other.

Some gentlemen, indeed, carry their notions of the deference, which is due to a favourite precedent, to an extent so strict as, in my opinion, to be almost ludicrous. They insist upon our imitating not only the main scope and action of the great transaction, of which we are speaking, but its accidental defects; and would have us create to ourselves deficiencies, which, those who brought about the Revolution had, but which, luckily we have not, to supply, in order that we may copy them in the manner of supplying them. Thus the right hon. gent. (Mr. Ponsonby) has said, that there was no use made of the great seal, in those acts of the revolution, by which King James was declared to have abdicated the throne, and the prince of Orange was called upon to take the government into his hands. Certainly there was not—for how could such an attempt succeed, when there was no king in whose name the great seal could be used; when the executive power was not merely suspended in its functions, but rendered null by the absolute exclusion of the king and the total want of the royal authority? Besides, there was this farther practical difficulty in affixing the great seal to any commission or act, as at that moment the great seal from accidental circumstances was at the bottom of the Thames.

The hon. baronet (sir F. Burdett), carries this principle still farther. He is so attached to the Revolution in all its parts, whether principle or circumstance merely, that he finds a great defect in that particular, of our situation, which to ordinary observers would appear a considerable, though to be sure only an accidental, advantage. At the time of the Revolution there was no parliament sitting. The hon. baronet, therefore, finds that the first Address to the Prince of Orange was voted, not by the parliament, but by an assembly of persons, to which a deputation of aldermen and common-council of the city of London had been discreetly called, to give their assistance and advice. In the warmth of his zeal for the precedent of the Revolution, the hon. baronet seems to think that the accidental circumstance of an existing parliament should be got rid of without delay; that we should immediately abdicate our authority and dissolve ourselves at once, for the sake of assembling another body of representatives, who should have the benefit of advice and assistance from the lord mayor, aldermen, and common-council of the city of London.

It is surely a singular remedy for the unfortunate incapacity of one branch of the constitution, to proceed unnecessarily to incapacitate the branches which happily remain entire. It is surely a strange application of precedents to contend, that because at the time of the Revolution there happened to be no parliament (and that there was none was, by the way, one of the grievances which produced and justified the Revolution), because, in order to procure the semblance of a parliament, it was then necessary to collect the scattered fragments of former Houses of Commons, of a former reign, and to eke out their numbers with a deputation from the aldermen and common-council of London; therefore a parliament actually existing ought to be dissolved, or rather ought to dissolve itself (for I know not what authority there is to dissolve us), merely that there may be one feature more of resemblance between the Revolution and the present time.—It will not be pretended that the representation of the people was more complete in an assembly so heterogeneously composed, as that which first addressed the Prince of Orange, than in the present or any invening House of Commons. It was, as I have said, the remnant of old Houses of Commons, not specially elected for the purpose of the time, not chosen in preference to a regular parliament; but called together hastily for the want of any other mode of collecting any representative body whatever. To this body, so collected, were added a certain number of the aldermen and common-council; but respectable as their authority, and useful as their advice may be, who would ever have dreamt that from such an extraordinary Convocation, arising from an extraordinary necessity, would be deduced the inference in after times, that no House of Commons was competent to its functions without the addition of fifty aldermen and common-councilmen of London.

I prize the blessings derived from the Revolution, and respect the authority of those who conducted it, as highly as the hon. baronet, or any other man: I think the proceedings of that time wise, and just, and necessary; but because they were necessary, therefore just and wise. But I do not think it an indispensible proof of my value and veneration for that illustrious precedent, that I should consider it as a rule for all occasions; that I should think the example of revolutionary times applicable to quiet times; and should consent, in the language of one, who said all things well on these subjects, Mr. Burke, "to make "the extreme medicine of the Constitution "its daily bread." The present case has difficulty enough, but it has nothing of revolution in it.

But after all, is not the very instance which is held out for our imitation, mistaken and exaggerated? What did this assembly, to whose likeness we are bid to conform ourselves, do? Confer the Crown on the Prince of Orange? Declare King James to have abdicated? In fact, bring about the Revolution?—No, they addressed the Prince to call a Parliament, or Convocation, by letters instead of writs, since the authority for issuing writs no where existed. The Prince of Orange did, in pursuance of this Address, write letters to convoke a representation of the people, according to the usual rights and modes of election; and upon the assembly of that Convocation, it was that the work of the Revolution went forward. How can it be necessary that we should go through their previous stages, being already at the point, to which they were intended to lead? We have now a parliament full, free, and so constituted, as to be fully competent to provide for the exigency that exists. Will the hon. baronet, to adopt his precedents in their full extent, contend, that we must begin by addressing the Prince of Wales to call a parliament by letter instead of by writs? (otherwise he could not till he has the command of the great seal) and what would be gained by interposing such a stage in our proceedings but delay? Is it not rather our duty, parliament being called together, to consider how we can best provide for the emergency, that has unfortunately occurred, and remedy the mutilated state, in which the government is placed by the incompetency of the King to exercise his royal functions?

The right hon. gent. (Mr. Ponsonby) however does not partake in these views of the proceedings of the Revolution. He agrees, that we are a parliament competent to the discharge of the duty which has devolved upon us; and that the only question is how we shall best discharge it? But he thinks the precedent of the Revolution binding so far as it prescribes Address as the mode of our proceeding. In the speech of the right hon. gent. distinguished as it was by eloquence and acuteness, no part was more acute or more eloquent than that in which he displayed the absurdity, as he conceived it to be, of doing on the King's behalf an act implying the King's personal will, for the purpose of declaring and remedying the extinction of that will by the King's personal incapacity. The fault of this argument, in my conception, is, not that it is not applicable to the case, but that it is, in fact, the whole of the case. To state that the King is personally incapable, and that acts nevertheless must be done in his name, and implying his will, is to state nothing more nor less than the fact: such is the difficulty in which we are; such is the absurdity (if that be the fit name for it) which that difficulty necessarily involves. To describe its contradictions is an easy task; to find a solution of it that shall not be liable to the charge of contradiction is perhaps impossible; to find that which has with as little contradiction as any other, less of practical mischief, or danger, is, I apprehend, the task which we are this day assembled to perform. All the right hon. gent.'s eloquent amplification, therefore, though I heard it with pleasure and admiration, is merely a statement of the case, and goes not one step towards its remedy.

When he comes to state his remedy, Address instead of Bill, I do not see how he gets rid of the absurdity which belongs to the constituting a Regent by the great seal—for the great seal in the Regent's hands must still speak in the King's name, and assume to utter his will; but I think he admits other hazards to which the constituting a Regent by the great seal is not equally liable.—I have said that the principle of the Revolution does not bear him out: because the Revolution was not conducted in the King's name, nor pretended, even in legal fiction, to be brought about or sanctioned by his will. But I should go farther, and say that this precedent made directly against his proposal—directly against appointing a Regent in the way in which King William was ultimately appointed King. And for this reason. The question of a Regent was in contemplation at that time. The Tories, those whose advice was not adopted, and whose course was not followed at the Revolution, contended, that King James ought to be considered as still retaining his right to the crown, still the lawful sovereign, but as being incapable of exercising the functions of sovereignty, just as if he had been disabled by mental derangement, and that the Prince of Orange should be appointed Regent to carry on the government in his (King James's) name. Now, if this suggestion had been made the rule of proceeding, if such had been in fact the settlement, at the Revolution, the right hon. gent. would indeed have a precedent directly in point. But, as it is, the precedent appears to me to operate directly against him, and the more so from the circumstance of the very case to which the right hon. gent. wishes to apply it, having been actually under contemplation. As the notion of Regency was suggested and was negatived,* the inference certainly is not that the course then adopted would have been thought applicable to a Regency; the presumption is strongly the other way.

No argument has been offered to prove, that we should exercise less power by the mode of Address, than the one originally proposed to the House, or be likely to entail less embarrassment upon ourselves or fewer difficulties upon the country. There certainly is one ground, and only one, upon which the mode of proceeding by Address might be considered as more applicable to the case; and that is, supposing a right in the Prince of Wales to the Regency. For such a right I have not heard any one contend, and as I am far, very far indeed, from wishing to revive the differences of former times, I will not argue it. I will say no more than that the circumstance of adopting an Address now, might in the hands of an ingenious reasoner, be made to appear like the implicit acknowledgment of the right formerly contested.* I do not mean, I distinctly disclaim the meaning, that the right hon. gent. moves his Address with this view; but I think this may be one effect of its success, and for that among other reasons I object to it.

In a balance of difficulties, then, how can we better make up our decision than by resorting to the most recent, and the most applicable precedent? A precedent I will not say sanctioned by the authority of great names—such as the name of the person who took the lead in this House on that occasion, weighs with me on every occasion on which it can be cited; because I am aware there are others who might naturally be swayed by the authorities which were opposed to Mr. Pitt in these discussions;—I will not say sanctioned by great majorities in parliament, because I recollect, that to a majority of two only, we owe the blessings derived from the Revolution: I will say merely to a precedent which parliament did adopt: which stands recorded on our Journals, as the law of parliament upon this question, until it shall be repealed and abrogated. Surely it must be felt that if no great benefit can be shewn to result from the abandonment of a recent precedent, it must on the other hand be productive of no inconsiderable evil. It must throw loose to all succeeding times a question, which we even now perceive the inconvenience of having to discuss, on conflicting authorities, and by remote and disputable inferences: it must give to both these opposite decisions, and ensure to those that may be to be discussed hereafter, the character of so many irregular impulses of passion, or inclination, controuled by no general principle, and conformable to no uniform system. Whereas if we adopt now the precedent of 1789, so far as it was completed by parliament, the concurrence of these two proceedings will settle the question for all time to come.

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* See Cobbett's Parliamentary History, vol. 5, pp. 59, 66.

There is but one point more which I have to state on the subject of the proposed proceeding by Address. And it forms, I confess, in my mind an insuperable objection to it. I cannot conceive how we can satisfactorily to our own sense of duty provide for the care of the King's person, and for the resumption of his authority, in the happy event of his convalescence, otherwise than by Bill, and by a Bill, which shall precede the actual investiture of the sovereign power in any other hands. That these objects should be amply provided for, is not more the duty of parliament, than it must be, and is undoubtedly the wish of the illustrious person to whom we are all agreed in confiding the exercise of the regal authority: that they would be provided for as amply with his consent, and without parliamentary enactment, by the mere impulse of his royal mind—there can be no question. But we are providing for all future times, and all possible cases: and we should not, I think, do our duty fully, if even in an instance where, without any special provision, we might rest assured, that the objects would be accomplished, we yet were not to take, upon a strict and abstract view of the case, the best security that the case admits—that is, the security of parliamentary enactment. Other limitations or restrictions which might be thought necessary, to accompany the delegation of the regal authority, might perhaps be provided by Address. But I must take the opportunity of expressing my opinion, that, as that which I have just stated, is the only provision in the nature of limitation or restriction (if it can properly be called either) which I think cannot be properly made except by Bill—so it is the only one, which I should wish to see, under the circumstances of the present times, attached to the exercise of the powers of the crown, in the hands, in which we are about to place them, or in any hands, in which it is fit that they should be placed.

My right hon. friend (the Chancellor of the Exchequer,) has intimated an intention of proposing other restrictions; on the model, as I understand, of those proposed in 1789. As he has not entered into any detail upon them, and has professed to wish, that the discussion of them may not be anticipated to night, I will abstain from any detailed exposition of my view of this part of the subject. I will only say, that respecting as I do the precedent of 1789, so far as it rests in principle, and is established by authority; I do not conceive all parts of all that was proposed on that occasion to be of equally permanent obligation. What depended upon the circumstances of the time—the change of circumstances may naturally vary. And I own I cannot conceive a period less favourable than that in which I am now speaking, for the abrogation, or suspension of any of the legitimate powers of the crown. If I doubted the expediency of such an experiment before this night, I have heard this night enough to convince me of its inexpediency. When the hon. baronet asked, why, if such powers, as it is proposed to suspend, can be dispensed with for a limited time, they should not be dispensed with altogether? I do not quarrel with the justness of his reasoning: but I content myself with observing that in 1789 there was no party in this country, which would have been prepared to apply and to act upon this inference.—That is in my mind a consideration indicating change enough in the circumstances of the country to warrant great caution in adopting that part of the proceeding of 1792. The time will come for stating more at large this argument, and others which appear to me to be conclusive against the policy of such restrictions at this period, as may cripple and degrade the executive authority.

I will now only add, that I have formed my opinion upon this point upon the best deliberation that I could give to it, without concert or understanding with any party, or any set of men whatever, and with no other object than the consideration of what may be best for the public service. Having formed this opinion, I have thought it candid, and honest, to avow it undisguisedly on the first mention of the subject of restrictions in this House; and while I may yet hope perhaps that the decision of those who have the conduct of this measure is not finally and unalterably made up. I am not one of those, who think the executive power in this country too strong; or who think it can be weakened, in whatever hands, without disadvantage to the public interests.

I have now stated my sentiments upon the whole of this most anxious, painful, and distressing subject to the Committee. I do not concur with those who blame his Majesty's ministers for not having sooner brought it under our consideration. On the contrary I approve of the reluctance and delicacy, which they have manifested: and if my right hon. friend could now assure the House and the country that a still further procrastination would not be attended with any injurious consequences to the country, I should, on that assurance, have no hesitation in agreeing to defer to a still more distant day the painful duty, which we are now proceeding to discharge. Called upon to proceed in the discharge of it, we must endeavour to remember and to combine in our decisions, what we owe to public duty, and what to our feelings of affection and veneration for the exalted individual whose situation is the cause of our discussions; what we owe "*patriæ Priamoque*," to our country and to our king: not doubting however that these duties, though double in their obligation, will be proved concurrent in their practical discharge. The effect of the vote in which I shall concur this night is, at the same time that we recognize and record our duty, to assert our right to execute the awful trust which is unfortunately devolved upon us. The application of the right and power which we claim will be the subject of future discussions. But I am satisfied that in using our power liberally we shall find that we use it wisely.

Earl *Temple* having the misfortune to differ from those friends, on the bench beside him, with whom he generally acted, was anxious to explain as early as possible, the causes of that difference. He was rather for adopting the mode proposed by the Chancellor of the Exchequer, of proceeding by Bill than by Address, because he thought it more consistent with the principles of the constitution. The constitution looked to three estates of the realm to complete the legislation, and from these three estates all power was derivable. These were the premises on which he should proceed, and which must be taken for granted ere they came to a conclusion. The royal power in this country was permanent: its suspension was only temporary, and even where the monarch was, by disease, stretched on the bed of death, his authority by a fiction still remained. A case of suspension now arose, and it was their business, to limit themselves to the temporary necessity, and not to take advantage of that necessity, in order to extend their own power: they ought to put the country in such a state, as that the existing deficiency should be as soon supplied as possible. But the question was, how were they to act? He had no hesitation in saying, that they had a right to use the Great Seal, in order to fill up the vacancy, caused by the suspension of the power, to which that seal peculiarly belonged. The Great Seal was the symbol of royalty, and when the royal functions were suspended, then it was the duty of the three estates, to act and employ that seal to provide for the suspension. If he was asked, in what book he found this doctrine? he would answer, that he found it in the book of the constitution—in the same book where his honourable friends near him, found the authority of the Houses of Parliament, to confer the power on the Regent; and surely when they said, they could confer the royal power, he ought not to be contradicted for saying, on the same grounds, that they could use the royal seal. The precedent of the Revolution had been relied on, by his friends near him. In his opinion, that precedent went quite a different way. Let them recollect the language of sir Robert Sawyer, sir Robert Temple,* and the other great men of that time, who uniformly said, that nothing but the absolute vacancy of the throne, could have justified their measures. The law was suppressed, the great seal was taken away, the government was relinquished, and in the emphatic words of sir Robert Sawyer, "there was no way of getting at the parliament." What was to be inferred from all this, but that if the Great Seal could have been obtained, it should have been used! What was this but saying, that if they had any way of getting at the parliament, parliament would have been exerted to supply the defect? In the language of the House of Commons to the House of Lords, the same principle was avowed when it was said, that if the throne was not vacant, then king James 2 was in existence as a king; all that they had done was undone, unless they could be supposed to set up a regency, which they not the power to do. Such were the principles adopted at the Revolution, and he would ask therefore how, could the Revolution be brought as a precedent, where the law was administered, whilst the king was on his throne, and when parliament was prepared to take steps, for supplying the deficiency in the executive. What was the fact at the Restoration? They said that the rights of Charles the 2nd commenced immediately on the death of Charles the 1st, and not that they, or any one, filled up the interval. Upon the authority of those men, and of those times, he would say, that parliament had no right whatever, to address the Prince of Wales, while the King was living; their Address would confer no power. It was their business, if the King could not exercise the Great Seal, to supply that defect, but he hoped he would never hear of an Address, by the estates of the realm, being equal to the law of the land. But it had been said, that a confirmation of the legislature, would be necessary to the power of the Regent; if it was necessary, it was plain that an Address, could not give that power; for, if it could give the power, the confirmation would be unnecessary. It was further contended, that, if they could exert the power of the Great Seal, to assemble parliament, they might address the Prince; but the distinction was plain, as they might perform a duty but not devolve a power. He could not avail thinking the principles, which his right hon. friend had laid down, of dangerous tendency: he allowed that from the Prince of Wales, nothing could be expected but what was right, yet they should look from the particular case, to the general consequence, and reflect upon what might be apprehended in another case. If they establish the doctrine of empowering a Regent by their Address, to assume the powers of government, might he not exercise that power by dissolving them. The situation, indeed, afforded only a choice of difficulties. His object was to get the royal assent by a reality, but his right hon. friend's argument went to set up a mockery of power, which had no existence in law. He concluded with expressing his determination, to reserve himself upon the specific points of restriction, asserting, however, at the same time, that in times like these, the country could not be saved by any thing short of royal authority.

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* See Cobbett's Parliamentary History, vol. 5, pp. 38, 47, 119.

Viscount *Joscelyn* considered the present a question of the greatest importance, as involving every thing to the country. It was of the last moment that all party prejudices should be laid aside, and the real welfare of the state attended to. The noble lord recommended the attention of the House, to the situation of Ireland, and thought that something should be done, towards conciliating that part of the United Empire. He concurred with the right hon. the Chancellor of the Exchequer, as to the expediency of a Bill for providing for the deficiency in one of the branches of the executive government, and though well assured of the amiable qualities of his royal highness, still he must prefer a Bill rather than the mode of Address suggested by the other side.

Mr. *Adam* thought it was clear that the regulation and care of the royal person was separate and distinct from the prerogatives of the crown, and ought to be directed by the legislature. If the amendment was carried, a resolution could afterwards be passed with respect to the care of the King, &c. and these might be incorporated in due time in a regular act of parliament. With respect to the great and momentous question before the Committee, he had no hesitation in saying, that whether he considered analogies or precedent, in his opinion they ought to proceed by resolution. The only precedent on which the Chancellor of the Exchequer relied was that of 1788. The reason was, because there was no other fact in all history to warrant what he proposed. At the commencement of that period the Great Seal was put to the commission, parliament was assembled; in the mean time the King recovered, and he then appointed commissioners to communicate further grounds for the proceedings of parliament by a speech from the throne. The speech was made, and an address, as usual an echo to the speech, was carried. This address (carried unanimously) the Chancellor of the Exchequer contended had committed every member of that parliament to an approbation of the preceding measures of the session. Far from it—the words of the address were merely vague and complimentary, only shewing indeed a due allegiance to the monarch, but by no means arguing a commendation of any former proceeding. The very phrase of the King in shewing, by his commissioners, farther cause for the meeting of parliament, argued a seeming doubt as to the legality of the original cause of their assembling. There was not a proposition more clear in the constitutional law of the country, than that the constitution had been violated in the precedent of 1788. It had been said, that the political capacity of the King never ceased: this he fully admitted, and the only impeachment or denial of the doctrine which he heard was conveyed in the intended proceeding of the Chancellor of the Exchequer himself. The precedent on which he acted was one of all others unworthy of imitation; commenced in an untoward time; continued in the midst of much party-heat, and cautiously framed by those then in power, in order to throw as much difficulty as possible in the way of those who were expected to succeed them in office. The precedent itself was an awkward and imperfect imitation of that from which it was taken. In the time of Henry VI, when he was an infant, the then lord Chancellor at his own risk, by the advice of the privy council, put the Great Seal to a proclamation to assemble parliament. Parliament, however, did not assemble, but the duke of Gloucester was declared Regent, the duke of Bedford his elder brother being absent in France. Such was the precedent on which the proceeding of 1788 was founded. Now, he would ask, how did the precedent of 1788 follow its origin? Why, in no respect? In the one case, the Chancellor, at his own risk, put the Great Seal to the commission: in the other, the Chancellor, desirous to be guaranteed in his temerity, made an application to the two Houses, begging their direction; the one was a responsible act, without any protection; the other was an irresponsible act, with every protection. Such was the precedent now sought to be acted on: a precedent, which, if pursued, might bring us back to the dreadful times of 1641. And yet that precedent was to be compared with that of 1688! That glorious, ever memorable epoch, which established on a solid and unshakeable foundation the liberties of this land—which combined in blended security the rights of the people and the prerogatives of the throne—which gave to this realm a government of law, and abolished a government of whim. The nature of the act of 1788, which was now proposed to be acted on, destroyed, as he had said, all responsibility.—He now came to consider the good which it went to substitute. In the first place, then, with respect to its safety. He denied that it was by any means a safer mode, or indeed so safe a mode as that by Address, which assumed no power and made no innovation.—The hon. and learned gentleman went on to observe, that after having appointed the Regent, the two Houses would then naturally proceed to lay down all the rules and regulations on which he was to act, and thus establish a government of responsibility, of which there otherwise could be none. As to the care of the royal person being placed in the hands of the Queen, that was not a restriction but a regulation: and he was convinced that no person could be more anxious than his royal highness that such a regulation should be established. With regard to the proposed restrictions on the powers of the Regent, they should meet with his decided reprobation. The whole of the prerogatives of the crown were public trusts, conferred for the benefit of the people, and could not be done away with or infringed upon without essential detriment to the public service. The proposition of withholding from the Regent the power of creating peers for a year and until six weeks after the meeting of parliament, appeared to him pregnant with consequences of the most disagreeable nature; for it brought the prerogatives of the crown to be discussed in parliament; and it might absolutely happen, that the upper House, from an idea of preserving their own powers and privileges, by preventing any increase of their numbers, might continue this restriction *ad infinitum*. Upon the whole, the sooner the House got into the regular march of the constitution the better, and this, in his opinion, would be best done by the proposed Address of his right hon. friend.

The *Attorney General* spoke in reply. He alluded to what had taken place on the appointment of a Regent in the reign of Henry 6. At that period, his father being dead, and no Parliament sitting, the Chancellor put the royal seal to a Commission for summoning a new Parliament. This, in fact, from the urgency of the circumstances, was a proceeding absolutely necessary; and Parliament, thus summoned, afterwards proceeded to settle the Regency. The wise men of that time saw that measures of that sort should be carried into execution by the Lords and Commons. In the same way, at present, there must be found some mode of exercising the functions of royalty; and was there any better mode than that of the two Houses directing the Lord Chancellor to affix the Great Seal to a commission for that purpose? It was true we were placed in a situation of difficulty, but he had heard no reason to shew that our proceeding in the mode of Address, was a safer or more constitutional course than that by way of Bill. In such a case, then, we ought to look to the practice of our ancestors, and particularly to the precedent of 1788, as that which, upon the whole, it would be most expedient to follow.

Sir *S. Romilly* wished to deliver his opinion very shortly on the present occasion. To him it appeared, that the first Resolutions contained an absolute contradiction to the method which was proposed in the Resolution that followed. We had already resolved that it was the right and duty of the Lords and Commons to supply the vacancy in the executive, occasioned by the lamented incapacity of his Majesty; and yet we were afterwards to proceed to procure the royal assent to a Bill which should pass the two Houses, without the possibility of his Majesty assenting at all. Under such unfortunate circumstances, how could we devise any means of getting the assent of his Majesty but by the most palpable fiction? Was the will of the Lords and Commons the will of the King, or how could any such construction be given to it? His right hon. friend, in proposing the present Resolutions, had relied on one precedent alone; but he had said nothing at all of the two Houses of Parliament taking upon themselves to legislate; and not only so, but to pass a measure, under the fictitious semblance of its being an act of all the branches of the legislature. He could not look upon that precedent in any other light but as a fraudulent trick, and altogether inconsistent with the open and manly manner in which every act of legislation should be performed. In matters of civil life, what would be said of a set of men joining together and making a contract for another in a state of insanity, and employing a person as his solicitor to affix his seal or his signature to such a deed? Should we not say that such a deed was a gross imposture, and absolutely null and void? The application to the present case was easy and obvious. Undoubtedly, there was a distinction between the natural and political capacity of the sovereign. It proceeded from the latter, that in his courts of justice all writs and acts proceeded in his name, though his presence there was by no means necessary. But here we were extending the political capacity of the sovereign to cases of a very different sort; to acts of legislation, where either his personal assent or his assent by commission was absolutely essential to their validity, and could not be dispensed with. In fact, if they could proceed to one act of legislation, why not to others? Why should not the two Houses make war or peace, lay on an embargo, or do any thing else according to the principles of the constitution competent to the sovereign alone; and then say that it was the pleasure of his Majesty, because the two Houses thought proper to do it, and to command the sanction of the Great Seal? There was not the smallest necessity for a Bill, in order to render valid the restrictions or regulations under which the Regency was to be held. These might be introduced into an Address with perfect propriety, and the very acceptance of that Address would, in itself, be also an acceptance of the conditions with which it might be accompanied.

The *Solicitor General* contended, that the proceeding by way of Bill and that by way of Address were substantially the same thing, and only differed in the mode of effecting the same object. It was said, that to use the King's name in assenting to the Bill was a fiction. But even in the Address proposed by the right hon. gent., was not the Regent desired to act in the name and on the behalf of the King? Even under a Regency, was not every act of the government still to proceed in the King's name? All this was perfectly proper; and where, then, was the impropriety of the two Houses ordering the Chancellor to put the Great Seal to a legislative measure in the name of the King? If the Regent was to act in the name of the King, why also might not the Chancellor? Suppose the King an infant, substantially no act could be done by him, yet all the transactions of government would be conducted in his name; though naturally incapable, his political capacity would still exist; and it was precisely on this ground that the two Houses, in a case of necessity, were authorised to order the

Chancellor to affix the Great Seal to an act of legislature.

Mr. *Horner* said, that considering the principles and views of the constitution professed by the learned gentleman who had spoken last, it was no wonder he preferred whatever mode of proceeding was proposed by the minister. Were it not for such authority, the learned gentleman, consistently with his own opinions, might be quite indifferent to the question, whether the Houses of Parliament ought to proceed in this great transaction, by Bill or by Address. For, in the beginning of his speech he had declared, that if this House pretended to give away the whole sovereign authority to a particular person by mere Address, it might as well usurp to itself the whole of the sovereign power in all its branches; and that he could see no difference between the one usurpation and the other. What difference the learned gentleman was able to perceive between them in the instance of a Bill, which he could not discern in an Address, he had not explained. The distinction, however, between assuming the royal power and conferring it was so essential, that the two Houses could not lose sight of it for an instant in providing for the necessities of the present emergency, without confounding all the functions of the constitution, and without danger of subverting the very foundations of the monarchy. It was their duty, on the one hand, to abstain from any the smallest usurpation of executive authority; and, on the other to provide, with the least possible delay, the means of supplying the defect which had unhappily occurred in the personal exercise of that authority by his Majesty. The learned gentleman had stated one doctrine, which, if correct, might be thought a decisive objection at once to the measure of conferring the powers of Regency by Address: he said, that the office of Regent was one of which the functions were not known nor defined, and the authority of which could not be judicially recognized in Westminster-hall; and he demanded, in what book of the common law the judges were to look for the description of this officer and his capacities? He had put this question with an air of triumph; yet the most satisfactory negative he could receive in answer would furnish no adequate reason for the inference which he meant to convey. The nature of the office of Regent, and the description of its authority and functions, do not belong to the common law of the ordinary courts of justice, but are to be sought, where they will most distinctly be found, in the law and custom of parliament. It was too much the practice both of the right hon. and the learned gentlemen on the Treasury bench, to make reference to the common law and the learning of the courts below, upon subjects which lie altogether within the compass of the law of parliament: a law, not known at all to the professors of the common law in that capacity; of which the sources were coeval in antiquity with the common law, and necessarily anterior to the statutes; which was to be collected only from the Rolls and Journals of parliament; and the supreme authority of which, within its proper sphere, had been submitted to with reverence by the most ancient as well as by all modern judges, and had been appealed to by the best friends of liberty in the House of Commons in all former times. So far was the learned gentleman from being accurate, when he supposed that the office of Regent was not known to the constitution, that the most ancient instance preserved in our history of what may be called a parliamentary proceeding, to supply a defect in the personal exercise of the royal authority, is the nomination of a Regent; in the case of the Earl of Pembroke, who, upon the accession of King Henry the third, an infant of nine years of age, was appointed Regent by the Great Council of the Nation assembled at Bristol, and carried on the whole administration of the government, with the full authority of the crown, by the style and title of "Rector Regis et Regni." That the office of Regent was known in all times to the constitution and the law of parliament, was well proved by an entry upon the Rolls, respecting the appointment of Richard Duke of York to be Protector during the illness of Henry the sixth. The Parliament of that day thought fit to give him only a limited authority; and to that effect entered a declaration upon the Roll, that they would not confer upon him the name of Regent, because it imported authority of government of the land, but only the name of Protector, which imported a personal duty of attendance to the defence of the kingdom. It was not to be doubted, that if the Prince of Wales should take the style and authority of Regent in pursuance of an Address of the two Houses, the courts of law would be bound to recognize his authority as that of the crown. And though it might be fit, after he had assumed the royal style and had met his parliament, that an act should pass to confirm his title, and to ratify those proceedings of the two Houses; yet it was no more to be supposed, that, prior to such ratification, the judges would dispute an authority which the two Houses had directed his royal highness to assume, than, if the two Houses should prefer the fiction of a Bill, that the judges would presume to canvass the validity of the fiction. The difficulty, which the learned gent. had raised, with respect to the legal authority of a Regent appointed by Address, was never felt with respect to the authority of the Guardians and Lords Justices, who, repeatedly since the Revolution, have been appointed by commission from the King. By the terms of such commissions, they were invested with power to execute the office of Guardians and Justices, and to order all acts of government which by virtue of that office had been usual or might be lawfully performed. The books of common law, however, furnish no special delineation of the legal capacity and functions of such officers; the nature and extent of whose authority must be gathered from the usage and practice of the realm, as recorded in the memorials of parliament and in the archives of the state.—The same learned gent. had urged as an objection, what if the House of Lords should not agree to your Address? To this argument, it was enough to answer by another objection, what if the House of Lords should not agree to your Bill? Were such a difficulty to arise in either case, we must trust in the prudence and public spirit of both Houses, and in their mutual disposition sincerely to effect what must be a joint transaction, and which may therefore require some concessions.—He would admit to the Chancellor of the Exchequer, that the present question was to be debated upon the ground of parliamentary precedents; understanding always, that no single precedent could over-rule either express law, or settled and fundamental principles. In this point of view, the question was nearly reduced to a choice between the precedent of the Revolution, and that of the year 1788. But as something had been said by the Attorney General, of the proceedings which took place in the reign of king Henry the sixth, he would advert shortly to the history of those proceedings; because, in all the circumstances, which could be considered as applicable to the present situation of the two Houses of Parliament, that history would be found full of instruction, in opposition to the arguments of those who would urge the two Houses to usurp the prerogative of the third branch of the legislature. The transactions, which occurred in the reign of Henry VI, consisted of two parts: the provision made for the executive administration during his infancy, and the measures taken by parliament towards the close of his reign, when he fell into a malady similar to that with which his present Majesty is afflicted. The case of the minority of Henry the sixth, differed wholly from the present: by the demise of the preceding king, the parliament then in being expired; and when a new parliament met, to consider of the means of providing for the infant king's minority, it was a full parliament regularly convoked and opened, at which all the three branches of the legislature were present. As soon as the news of Henry the fifth's death reached England, several peers of the realm held a council at Windsor; and, taking it upon themselves under their responsibility to provide for the imminent necessity of the State, they put the Great Seal to a writ for summoning a parliament, and authorising Humphrey duke of Gloucester to hold that parliament as Commissioner in the King's name. In the parliament, so held, the crown was fully represented in its legislative capacity by the duke of Gloucester; and with perfect regularity according to all the forms of law, after an indemnity to those who had acted in this emergency and a confirmation of their acts, the parliament, (consisting of the King represented by his Commissioner, the Lords spiritual and temporal, and the Commons), appointed the duke of Bedford Protector of the realm. Such appointment, by a full parliament, is no precedent to justify the proposed appointment by the two Houses alone in the name of a full parliament. The same observation applies to the proceedings which took place, in the nomination of a Protector, when king Henry the sixth fell into a state of imbecility or lethargy, which disabled him from personally exercising the functions of government. But it is important to attend to the course of those proceedings. Before the king sunk into that unhappy state, he had opened his parliament in person; which, after several prorogations under the authority of regular commissions, was actually assembled at the time when the disorder seized him. It was still a full parliament, though he was himself unable to attend it, because he was legally represented there by his Commissioner, or lieutenant for holding the parliament, the duke of York, appointed by letters patent from the king himself. And it is material to observe, that the Commissioner for holding parliaments, at that period of our constitution, had, by the terms of his written authority and by the constant practice of the state, the entire legislative powers of the King; he opened the causes of summons, he could prorogue, he could dissolve it, he gave the royal assent or negative to bills and petitions according to his own ministerial, and, no doubt, responsible discretion. At a subsequent period, it became the settled practice of the constitution, that the royal assent was never given in the absence of the king himself, except under a special commission reciting that his majesty had seen and perfectly understood the particular bill assented to: But prior to the accession of the Tudor line, and during the whole reign of Henry VI. the constitution of parliament was different in this respect; the Commissioner, authorised by the king's letters patent to hold the parliament, having power to give the royal assent without taking the king's pleasure. When Henry VI. therefore became deranged, the duke of York being Commissioner, there was no imperfection in the parliament; it was complete in all its branches, and competent for all legislative measures. We find accordingly, that, notwithstanding the incapacity of the king to attend his parliament, its proceedings went on without interruption, and it was not deemed necessary to supply the defect in the exercise of the royal authority. An event at length occurred, which imposed upon parliament the necessity of interposing, in order to provide the means of supplying that defect. The keeper of the Great Seal died; parliament was not competent to appoint a new one; that must be a personal act of the king himself. It was necessary to vest the royal authority in some person, who, by virtue of that authority, could deliver the Great Seal and create a Lord Chancellor. In this emergency, the parliament, consisting of all its three branches, (the duke of York as Commissioner or lieutenant of the King, the Lords spiritual and temporal, and the Commons, in full parliament assembled), by Bill, which passed the two Houses, and to which the Commissioner, as in the ordinary course, gave the royal assent, nominated the duke of York during the incapacity of the king, to be Protector of the kingdom, and first of the council. It is clear, that this furnishes nothing like a precedent for proceeding, in the two Houses, without the presence of the third branch, actual or represented, to manufacture a royal assent; while, on the other hand, it shews how scrupulous the two Houses were, at that period, of assuming, or pretending to exercise in their own capacity, any of the executive prerogatives of the crown.—With respect to the great precedent of the Revolution in 1688, the Chancellor of the Exchequer had contented himself with disposing of it in the most summary manner. Premising in general terms, that if there is a direct precedent we ought not to resort to one which holds only by analogy, (which, as a general maxim, was not to be denied); the Chancellor of the Exchequer was then pleased to affirm that the case of 1788 was direct, and that of the Revolution a precedent only by analogy; but without shewing, why it was to be regarded as no more than analogical. So far as the mode and order of proceeding were concerned, the measures taken by the Convention Parliament formed strictly a direct precedent. True, the political capacity of the king was then suspended, which at present suffers no discontinuance; the Convention of that day had a greater defect to supply, than is now to be provided for. But the principle, which authorises an extraordinary interposition of the states of the realm, is in both cases precisely the same; the necessity is of the same kind; the proceeding must bear the same character; the difference in the extent of the defect that is to be supplied, does not require a different mode and form of supplying it. Or if a stricter adherence to the established forms of legislation were required in one case than in the other, and if procrastination were more justifiable; delay was more to be justified, and solemn formality more to be desired, where the work to be accomplished was of greater magnitude, where, instead of naming a provisional Regent, they had to raise a new line of succession to the crown. And if, upon the abstract principles of the constitution, any difference could be stated, between the situation of the Convention and that of the two Houses at present, it would be this;

that when the political capacity of the crown was in the former instance discontinued, the whole power of the crown, legislative as well as executive, might theoretically be considered as devolving upon the states of the realm, so that without usurpation they might have used, and have affixed to their proceeding, the forms of assent by the third branch of the legislature; whereas, while the throne is full, it is mere usurpation to seize the King's legislative power, as it is an absurdity in terms that the means of supplying the royal incapacity must have the sanction of the form of royal assent. The great statesmen and lawyers, who accomplished the Revolution, were incapable of such fictions and unsound refinements as compose the proceedings of 1788; they went straight to their object, guided by those analogies of the constitution which preserve the spirit of its rules in the exceptions that seem most wide. Those to whom the contrivances of 1788 ought to be ascribed, had secretly no predilection for the event of the Revolution or for the characters that were engaged in it. Indeed on this day it had been spoken of more than once with a slight, which no former House of Commons would have borne. The Chancellor of the Exchequer called it a taking precedent; a sneer, however unbecoming, which he trusted they, at whom it was directed, would long continue to merit, by their adherence to those memorable principles, and by their determination to act upon the same in all similar emergencies. Another right hon. gentleman (Mr. Canning) had spoken of the leaders of the Revolution, in terms of praise indeed, but with such qualifications as if forsooth they stood in need of pardon, for the length to which they had gone, impelled by a just necessity. Yet, not the talents which shone among those illustrious men, nor even the flame of liberty by which they were inspired, were more admirable, than the moderation with which they proceeded through their great work. And when the Committee is called upon to compare their proceedings with those of 1788, and to choose between them, it is impossible not to contrast the virtuous forbearance of all parties at the Revolution in concurring to provide for the public interests, with the struggle that was made for power in the other instance; and above all, to contrast the studied delays by which power was then so factiously retained, with the dispatch with which our ancestors finished in one short month their task of establishing at once the succession to the crown, reducing its prerogatives within limitations by law, and founding the whole structure of our civil and religious liberties. The right hon. gent. (Mr. Canning) had said, that some of the arguments, used in the debates at the Revolution, furnished a sort of authority in favour of our proceeding in the present instance by a Bill rather than by Address; because the Tories, who dissented from the famous vote of abdication, insisted, that the case ought to be provided for as if the King had become a lunatic, and urged the propriety of appointing a Regent for the life of king James, according to the ancient laws and practice of the realm. The topic, however, as used then, had no bearing upon the present question. It was not used with reference to the form of proceeding; no question of that sort was raised, and no one objected then to the Address. It was urged by the Tories in illustration of their doctrine, in which they fundamentally differed from the others, that the misconduct of the king was to be held as making a forfeiture only for his own life, without breaking the succession. The just conclusion to be drawn, was therefore the reverse of that of the right hon. gent.; that when the Tories of that day supposed a case of lunacy in the sovereign, they considered it fit indeed, that the vacancy should be filled by a Regent according to the ancient practice of the realm, but it never occurred to them that an Address was not the most proper mode of appointing him. And from this the Solicitor General might learn, that the Tories at the Revolution, some of whom were most eminent lawyers, had no difficulty in recognizing a regency as an office known to the laws and the constitution.—Opposed to the high authority of the Convention Parliament, stood the single precedent of 1788 and 89. He was at that period too young a man, to have received any of the impressions, which the agitation and resentments of that time may have left upon those who took a part in the scene. He had, without any bias upon his mind, endeavoured to judge candidly of the whole proceeding, and of its historical circumstances, no unimportant part of every parliamentary precedent. And he had no hesitation to say, that the Resolution, which asserts the right of the two Houses to provide for the exigency, commanded his full assent, both as the true result of more ancient precedents, and as a principle of constitutional law; provided it be understood in the sense, in which it was clear that the Houses of 1788 understood it, as declaratory of their right and duty to vest the royal authority in proper hands, but carrying no implication that the two Houses can ever themselves legally assume the exercise of any of the functions of royal authority. With regard, however, to the other part of the precedent of 1788, the Resolution to which the committee was now called to assent, and by which the two Houses proposed to raise the fiction of a royal assent by usurping the King's Great Seal, that appeared to him so repugnant to the fundamental maxims of the constitution, if not a direct violation of express law, that no weight of precedent could ever sanction it, far less a single case so discredited by its own circumstances as that of 1788. The Chancellor of the Exchequer had attempted to shew, that the proceedings of 1788 were more than a precedent of the two Houses assembled as at present; as if, by what passed subsequently, they had been converted into a precedent of the full parliament. His first argument for this purpose was, that various bills were brought in, and proceeded through their several stages in both Houses, while the parliament sat under the commission (as it may be described) from the two Houses, which bills, after the King had met his parliament by a regular commission, received the royal assent, without again going through the previous stages. But the argument was incomplete, unless the right hon. gent. denied, that the two Houses, as assembled in their present circumstances, were incompetent to receive bills and to forward through all the proper steps, to await the royal assent. The right hon. gent., he was persuaded, would be deterred, by the practical consequences of such a proposition, from maintaining it; nor could it be maintained. The parliament was in legal existence, by force of the original writ of summons; the two Houses of Parliament, though not now in parliament assembled on account of the absence of the King, were regularly assembled here by authority of the King's last writ of prorogation, which called them to Westminster on the 1st Nov. last. Their adjournment on that day was as much an act of the parliamentary capacity of each House, as any vote upon a bill could be. Here assembled, under the writ of prorogation, they had all their privileges and capacities in full force; though the proceedings which they might hold by bill could not be completed, without the King's assent. If the two Houses, as now met without any commission, could pass a bill through the stages of each House, there was an end of the argument of the right hon. gent. that the subsequent assent in 1789 to certain bills, sanctioned the commission given by the two Houses; and that they could entertain bills without any commission at all, was implied in the whole of the proceeding which he himself recommended. The other argument of the right hon. gent. to this point, was still more inconclusive; he went so far as to say, that the resolution having been agreed to by both Houses, and the King, after his recovery having, in the speech of his commissioners, thanked the Houses for the additional proof they had given of attachment to his person, it was to be inferred that the resolution had thus received the assent of all the three branches of parliament. If this had any meaning, the argument was this, that the expression in the King's speech echoed by the addresses, should be considered as having ratified, by the voice of the three branches assembled in parliament, the irregular proceedings of the two Houses in their preceding irregular assembly. It was the first time that the King's speech and its address were stated to have the character and efficacy of an act of parliament; if a ratification or an indemnity had been required, that was surely no act of ratification and indemnity; but assuming, as the right hon. gent. assumed by his argument, that the proceedings stood in need of such confirmation, the true inference was, that, as there had been no indemnity granted and no ratification passed, those proceedings were left and still remained in all their original irregularity. Though the precedent of 1788, however, could not be argued as high as the Chancellor of the Exchequer wished to raise it; though it was not a precedent in full parliament, it was, certainly, in point of form, a precedent for the two Houses assembled in the peculiar circumstances of their present situation. As such, it stands in opposition to that of the Revolution; and it was for the Committee to weigh and compare them together; to compare a precedent, to the form of which no objection was urged at the time by those who most disliked its substance, which had been stamped with the sanction of an approving posterity, to which no objection in point of principle could even now be stated, with another precedent which at the time and ever since had been condemned by high parliamentary authorities, and which was liable to the strongest objections both from express laws and from constitutional principles. The statute of the 13th of Charles 2, made it a præmunire to maintain, that both Houses of Parliament, or either, had a legislative power without the King: yet the object of this Resolution was, to assume a legislative power by the two Houses without the King. That statute was levelled at the doctrines as well as the conduct of the Long Parliament; nor since the time of that parliament, had such doctrine and such language been heard within these walls, as the ministers had this day used to serve the purpose of the day. The Long Parliament, indeed, did not scruple to make a Great Seal for themselves; to justify the measure, they resorted to many of the topics which had been urged this day; their antiquarian pamphleteer Prynne used and perverted his toilsome industry and obscure erudition, in an argument for the parliament; and some of the expressions which fall from the Chancellor of the Exchequer, seemed to have been taken from the title of Prynne's pamphlet, which is, That the Great Seal attends the Parliament. In speaking of the Long Parliament, he wished not to be misunderstood, or to be supposed deficient in veneration for those able patriots, who, in the commencement of the struggle, disappointed as it was in the end, and stained by lawless ambition and atrocious violence, had stood forth to vindicate our just liberties, and to bring delinquents to condign punishment. The flight of king Charles to York, and his stealth of the Great Seal, justified their subsequent step; it was justified by the necessities of the state, which must over-rule other considerations; but let not those, who neither have the necessities of the Long Parliament to plead, nor are actuated by their constitutional principles, imitate their usurpation where there is no similar necessity, and borrow their language and arguments to give practical effect to principles of a very different description. Besides the evidence, which the statute of Charles 2 afforded, of the great doctrine of the law, that there is no legislative power in the Houses of Parliament without the King, there were express acts of parliament which prescribed the mode, and prohibited every other, of giving the royal assent to bills passed by the two Houses. The 33d of Henry the 8th, chapter 21, declares, that the King's assent by his letters patent, notified in his absence to both Houses assembled together in the upper chamber of parliament, is of the same force as if personally and publicly declared by himself; but the letters must not only be under his Great Seal, but they must be signed with his own hand. The act of the first year of Philip and Mary respecting the attainder of the duke of Norfolk, which is a public statute, contains a still more explicit declaration of the law, that letters patent for giving the royal assent to bills have no validity or efficacy, unless signed with the King's own hand, as well as passed under the Great Seal. The commission, under which the royal assent was pretended to be given, on the last day of Henry the 8th's life, to the bill for attainting the duke of Norfolk, had the Great Seal in due form; it had also the King's name affixed by a stamp: but at the time these forms were gone through, king Henry was insensible and incapable of attending to public business. In the first year of Philip and Mary, after an inquiry into the transaction respecting this commission, and upon a confession of these circumstances before the House of Commons by lord Paget, who had been king Henry's Secretary of State at the time, parliament removed the attainder; not in the ordinary form, by a bill to reverse the act of attainder, but, which is most material in the present argument, by a bill declaring that act to have been void from the beginning, expressly for want of the royal assent in due form. Before this proceeding took place in parliament, a question had been raised in Westminster Hall, whether that act of attainder could be regarded even there as a perfect statute, on account of the manner in which the assent had been given. The Solicitor General, who had called so loudly for references to the law books, would find in sir James Dyer's Reports that the question was much debated among the justices, in a suit between the duke and certain purchasers of some of his forfeited estates; and although the judicial determination of the point was superseded by the parliamentary reversal, it might be well for the learned gentleman to consider, whether to his mind the existence of such a judicial doubt ought not to hold good as an argument, against proceeding to make a Regent by a Bill in the manner proposed, lest the justices hereafter might take it into debate whether a Bill assented to by the phantom were a perfect statute. But how strong soever the reasons against such a proceeding might be thought, founded upon the express statute law of the land, it was still more strongly condemned by the essential first principles of the constitution of the monarchy. It was a proposal to break down and confound all the boundaries of legislative authority, as distributed among the three independent branches of parliament; to usurp the legislative power of the crown; and, by a gross and illegal fiction, to steal the semblance of an assent where there could be no negative, with the absurdity of affecting to sanction by the royal assent itself, the remedy made necessary by the incapacity of the King to assent to any thing. Such was the measure, which the Committee were called upon to prefer to the direct and clear precedent of the Revolution. They had to chuse between a contrivance, the purpose of which, though denied, was palpable; a fiction, which could only be executed by a parliamentary falsehood and fraud, which must be attended with indefinite delay, which would involve their proceedings in a maze of complex and inconsistent forms; the invention, it was well known, of a refining lawyer, more addicted to scholastic subtleties and the caprices of ingenuity, than remarkable for enlargement of mind: they had to chuse between this, and the explicit, plain, prompt course adopted at the Revolution, by the best of our ancestors at the best æra of our history, a precedent formed by statesmen of much experience and large views, and by lawyers, who, with all the learning of their profession, were found no unequal associates to such statesmen.

Mr. *Croker* complimented the hon. and learned gent. who had just sat down, not more on the ingenuity he had displayed on the topics he had chosen, than his prudence in wholly avoiding those that constituted the chief difficulties of the case. Any one who had only heard the speech of the hon. and learned gent., would imagine that instead of being reduced to a choice of difficulties, (as other gentlemen had confessed we were) we had a clear, open, and unobjectionable course to pursue. On one side, all was represented by the hon. and learned gent. as error and intricacy; but no doubt, no hesitation even, had been expressed as to the regularity and simplicity of the proceedings recommended by the other. The hon. and learned gent. had endeavoured to shew, by much learned argument, that it was not regular for the Houses of Parliament to direct the Chancellor to affix the Great Seal to patents or commissions: but this was not what, for his purpose, he should have contented himself with proving; because the irregularity, though it was defended on the score of necessity, had never been denied; and the hon. and learned gent. had, therefore, expended his ingenuity in proving what was already admitted. That, which he should have proved, and which he had not even attempted to do, was, that the course proposed by his friends would get rid of the difficulty; that while it was absurd and unconstitutional to direct the Chancellor to affix the seal, it was right, legal, and orderly to direct an agent to direct him to do so; and that a chain of absurdity could be made good sense, by adding another link to it! The hon. and learned gent. must be aware that however we proceed now, the Great Seal must be finally called into use. He must know, that if even the Regent were appointed by Address, the appointment would still be incomplete. The courts of law would not recognize his authority till it had received the sanction of that Great Seal under which they themselves were sitting; and the Regent's first act must be that which the right hon. gent. opposite (Mr. Ponsonby) ridiculed as an absurdity in the Chancellor of the Exchequer's proceedings, namely, the giving the King's consent to his own appointment, and affixing the Great Seal to a commission for that purpose. Undoubtedly, the right hon. gent. had argued these points with great eloquence; but he had not been able to shew that all his ridicule and all his reasoning did not equally apply to his own case, when, after the Address, the Regent would have to make use of the Great Seal. So that, in fact, the mode of proceeding by Address only staved off the difficulty, it removed what was called the fiction, one step farther; but that fiction, sooner or later, had neither the right hon. gent. nor any of his hon. friends shew how it was possible to avoid.

But the course proposed by and the arguments used by the right hon. gent. involved others and still more serious difficulties, and the affixing the Great Seal to his own appointment would not be the only absurd and irregular process, the Regent would have to execute, before he could be fully invested with his power. The right hon. gent., when he was arguing against the Chancellor of the Exchequer, remembered that the Great Seal could not be legally affixed without the King's sign manual previously obtained; but this circumstance he appeared to have forgotten when he came to recommend his own plan of proceeding. How would the right hon. gent. obviate, in his own proceedings, this difficulty? Would he omit the sign manual all together?—that is the very irregularity which he objects to us. —Then he must mean to have the sign manual—whose sign manual would he have? not the King's, the King is incapable of signing. He can then only have the Regent's: but the law on which the right hon. gent. founds himself, says nothing of a Regent or any such person. It says, the sign manual must be the King's, and that it is high treason to counterfeit it! Again, the Regent's power, whatever it may be, can commence only after his appointment shall have passed. How can he make it commence before, by previously directing and legalizing such an appointment? It follows, therefore, that the sign manual of the Regent, as Regent, will not answer. But the right hon. gent. will say the Regent may sign the King's name by the King's consent; but where does he find the King's consent? no where; the King is as incompetent to give his consent as to sign. But the right hon. gent. will suppose it, he will feign it; and thus in his zeal to avoid all irregularity and fiction he doubles the irregularity, and creates a second fiction, more serious, more liable to rational and constitutional objections than the former.

But the right hon. gentlemen were not more inconsistent with themselves, than they were with the speech of his hon. and learned friend who had just set down. That hon. and learned gent. had dwelt much on the precedents in the early and in the latter parts of Henry the sixth's reign. The hon. and learned gent. had admitted them to be good, and had reasoned upon them as founded in the law and the constitution. With this opinion of these precedents, how the hon. and learned gent. could either consent to adopt the course, or to subscribe to the arguments of his right hon. friend (Mr. Ponsonby) was more than he could conceive, for these very precedents so refined to, so approved, contained in terms that very fiction which the right hon. gent. (Mr. Ponsonby) had characterized by the names of absurdity, imposture and fraud. The right hon. gent. had said, "What, shall we, by affixing the Great Seal, make the King say, as it were, 'I am sane so 'far as to admit my insanity; I am com-'petent to admit my incompetency;' what a gross and monstrous fiction it is, to endeavour to supply a defect in the royal authority by that very authority which you presume to be deficient!" And, yet, this is precisely what the precedents relied upon by the other hon. gent. have done. In the very early parts of the King's reign the Chancellor affixed the Great Seal to Commissions for calling parliaments and appointing Regents, which set forth, in the King's own name, his incompetency. The deficiency of power in the King to do any act is admitted in the very instrument in which, nominally, he performs a most important duty. This precedent, then, would fall under the ridicule of the right hon. gent.: and it is not a solitary precedent. The practice was frequently repeated, and never, in all the heat and fury of these or of succeeding times, questioned by either of the parties that divided the state. What are the precedents of the latter period of that reign, referred to by the hon. and learned gent.? Still stronger, still more in point, still more to our present purpose, and still more obnoxious to all the objections of the right hon. gent.

The King at that time laboured under a mental derangement, and was incapable of meeting his parliament, or of performing any other function of royalty. What was the course adopted then on the numerous occasions that arose? Why, that which we now propose and which the right hon. gent. ridicules; the use of the Great Seal under the authority of the council or the parliament. Parliaments were called, acts were passed, Regents from time to time, under various names and descriptions were appointed, by commissioners under the Great Seal. In one instance remarkable for its near analogy if not similarity with the case now before us, the Houses of Parliament desirous to make provision for supplying the deficiency in the royal authority by appointing the Prince of Wales Regent or Protector of the kingdom, when he shall become of age, they do it by act of parliament, assented to by the King's commission, and the same day the Great Seal is put to letters patent, running in these words: "We Henry, by the Grace of God, &c, "&c. taking into consideration the infirmity with which it has pleased God "to afflict us, and that it would be injurious to our person, and would delay "the speedy recovery of our health, "if we were personally to attend to the "affairs of the realm, and reposing confidence, &c. in our eldest son Edward, "do, by and with the advice and consent "of Parliament, appoint him Protector of "my kingdom, to exercise his power according to the tenor and provisions of "an act, of the said parliament, made this "day." Can any precedent be more strongly in point than this, and can any precedent involve a greater fiction? Would the right hon. gent. deny that this was making insanity sane, and incompetency competent? Yet it was the precedent which his hon. and learned friend admitted to be sound and constitutional. How the hon. gentlemen would reconcile their opinions and their votes he could not guess. The distinctions the hon. and learned gent. made between the cases was, to be sure, somewhat extraordinary. "We," he says, "would direct the Chancellor to affix the Great Seal, and in the case of Henry the 6th he did it on his own responsibility."

The hon. and learned gent. said, he would not stop to examine the accuracy of this fact, nor to decide whether the Chancellor of that day acted with or without the orders of parliament. He would admit the fact to have been as the hon. and learned gent. had stated it, and gave him the whole weight of argument that resulted from it. What did it amount to? Merely this; that the hon. and learned gent. thought it would be better that the Chancellor should do this important duty of his own mere motion, than with the advice of both Houses of Parliament—that the assumption of this great and extraordinary power by an individual was better than the exercise than of it by the estates of the realm. To state the proposition was to answer it! "But he might come down," says the hon. and learned gent., "afterwards to the parliament to indemnify him." This gave up the whole argument, for the Chancellor might as well have the sanction of parliament before as its indemnity after. The course we would proceed in did not differ from the hon. and learned gent.'s in principle; he would allow the Chancellor to act and come afterwards for indemnity, we directed the Chancellor to act, and thus as it were anticipated the indemnity.

The hon. and learned gent. trusted that he had now shewn that the precedents of the time of Henry the 6th, instead of supporting the hon. and learned gent.'s propositions, were directly in favour of the course proposed by his right hon. friend the Chancellor of the Exchequer—a course which if even there had no direct precedent, would have recommended itself to the House by the soundness of the legal and constitutional principles in which it proceeded.

On the subject of the precedent, as it had been called, of the Restoration, he would say but one word, and that was to deny that it was a precedent, or that it, in any degree resembled or was analogous to the present case. He could hardly tell why it had been mentioned. He supposed because there had been an Address from the Parliament to the King (hear! hear! from the Opposition)—but what kind of Address was that? Was it an Address to resume his power? No. The throne was full, the King acknowledged.—Parliament claimed no right either to make him king or to restrict him in the exercise of his royal office. He entered into the engagement of royalty as of his own absolute right; and the Address of Parliament was a mere Address of congratulation and respect, and was no more applicable to such a case as the present, than any address to the sovereign on the birth or marriage of one of his children. But the Restoration was a venerable name, and the honourable gentlemen opposite would not lose the advantage of the sound; though it was, in this instance, but an empty one.

The hon. and learned member next followed the hon. gent. on the other side of the House to the consideration of the Revolution; an event which, with his right hon. friends near him, he totally denied to be a case in point. But he was ready to admit, that though not exactly in point, it was a great and most important case, the analogies of which might be usefully resorted to, not as establishing a precedent, but as offering the purest sources of constitutional information. Now, in his opinion, the case of the Revolution and all the doctrines and analogies arising out of it were decidedly in favour of the course which he supported. The hon. gent. opposite wished to have erected the Revolution into a direct precedent as an example strictly and accurately governing the present case, and this because the defect in the royal power had been, on that occasion, supplied, not by Bill as we now proposed, but by a mere Address, as the hon. gent. opposite would induce us to proceed. But the hon. gent. had really not stated the case of the Revolution fairly. There was an Address, he would admit: there were, indeed, three Addresses to the Prince of Orange, and there was one final Address which requested him to ascend the throne. But, were there no preliminary steps to that Address? No limitations? no restrictions? nay, did not the Lords and Commons of that day proceed in the way the nearest to the proceeding by Bill that the nature of the case would allow? did they not shew, that if they had had the means, they would have strictly adhered to Parliamentary forms? They at last addressed the Prince—and so should we! But we, like them, had first some preliminary measures to take. Let it be recollected what the proceedings, at the Revolution were, and what the Addresses of which so much had been said: The first Address was from the irregular assembly that was collected after the king's flight: they addressed the Prince to call a parliament, and, from the urgent necessity of the case, to conduct the administration of public affairs, until that parliament should meet. The parliament met, and if they had then at once and without delay addressed the Prince to become King, the analogy of the precedent might be argued to be in favour of the course proposed from the opposite side of the House. But no such thing did they! they paid little attention to the topics of the Prince's Letter delivered to them at the opening of the sitting, but they addressed him, to do what? to continue for some time longer to administer the public affairs, until they should have opportunity to deliberate on what it might be proper finally to establish. And how did they finally proceed? not suddenly, not precipitately, not by Address merely; they weighed and debated the State of the Nation* in both Houses of Parliament, and framed with the most deliberative caution, that celebrated paper called the Declaration of Rights, which, (amongst its other clauses, containing as it were, a summary of the constitution) included one, conferring the crown upon the Prince and Princess of Orange. This solemn Act was communicated from one House to the other, and debated with all the earnestness and care that such a measure demanded: in fact, it assumed the shape, experienced the delays, and almost went through the forms of a Bill: It had every thing but the royal assent; which, as one of its objects was to dethrone a king, and another to place a successor in his stead, it was from the nature of the case impossible to supply by any reality or by any fiction. But this identical Declaration of Rights, was that which, afterwards, when a king had been created, passed verbatim into a law. And to this day this act is called not the Act of Rights, but the Bill of Rights, a title which is, in some degree, erroneous, as applied to an act of the whole legislature, but which it seems to have obtained from the original Declaration being considered in the nature of a Bill, and as having, as it certainly had, all the force and efficiency of a law. When this Declaration, this Bill, he might call it, this Law, for such in effect it was, had after many amendments and much debate passed both Houses of Parliament, it was presented to the Prince and Princess of Orange, with an Address that they should accept the crown, according to the provisions of that Declaration. The Address did not confer the crown: it was the Declaration that did so; that solemn Act of the Parliament which the Address only accompanied as a form of duty and respect. So that it is plain, that the Convention Parliament, though they could not in this proceeding have all the formalities of the law, adhered to as many as they could, and the principle that guided them seems to have been, to depart as little as possible from the received usages and forms of the constitution. This is the principle on which the House should now proceed; this is the conduct they should imitate. They cannot unhappily preserve all the forms of the law, for it is the deficiency of one branch of the legislature that creates the necessity of proceeding at all; but they should at least imitate the leaders of the Revolution, and carry the law and its forms with them as far as they had the power of so doing.

A noble lord opposite (earl Temple) had well observed and proved indeed, from the opinion of sir Robert Sawyer, that at the time of the Revolution, the loss of the Great Seal was considered as one of the difficulties of the case, and that it had occurred to some persons, that if the Great Seal could have been found, it might have been made use of, even for the purposes of the Revolution: and this opinion the historians of the times seem also to allude to, when they account for king James's having made away with the seal, by supposing him to have done so, in order to throw affairs into still greater confusion. But what say the hon. gentlemen opposite: Is the Great Seal a talisman: was there no means of framing another piece of silver into a Great Seal, if they had wished to use that instrument? Certainly, they could have made such another piece of silver as the Great Seal; but where was the regal power to sanction it; King James had, as might have been supposed, his own Great Seal in his possession; he could not have sanctioned the second; the Prince had no power to confer on the Great Seal, that was only to be done by the King; so that by this manufacturing process they could obtain a silver die, but not a legal and constitutional Great Seal, which the courts of law would have recognized and obeyed.

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* See 5 Cobbett's Parliamentary History, 36.

But he would confess, that the notions of using the Great Seal, if it had not been carried off, were vague and speculative—they never were acted upon in any way, and do not offer a precedent to controul or bind our conduct. He was inclined to think that if the Great Seal had fallen into the Prince's hands, it might have been used for the calling of the Parliament; but for passing the Declaration of Rights into an act, he conceived it could not have been, from the reason of the case. Could king James's Great Seal be used to dethrone him? Certainly not; and there is the great distinction between the Revolution and the present case. If we were dethroning the King, we should not use his Great Seal either, but our object was quite the reverse—we wished to maintain the King's power unimpaired, and to provide for the execution of his royal functions in his name and on his behalf; and it was for the maintenance of that power, and in his name and in his behalf, that it was now proposed to employ his Great Seal.

The hon. and learned member hoped that he had thus shewn, that, by taking the forms of law along with them, as far as they could be carried, the House would best follow the precedent of the Revolution; and that if in this case the forms of the constitution would go one step further than they did in the Revolution, it should be considered as fortunate that the irregularity was diminished in the same degree, and the present existence in full authority of the Great Seal, under which the House and the courts of justice were at the moment sitting, relieved them from difficulties of a nature the most intricate and embarrassing.

The hon. and learned gent. further observed, that, in replying to one point of this precedent, which had been ably put by his right hon. friend below him (Mr. Canning), and by the noble lord (Earl Temple), the hon. and learned gent. (Mr. Horner), had hardly dealt fairly, as he had not quoted the whole statement of the precedent, which was directly what had been originally represented, and diametrically opposite to what the hon. and learned gent. represented it to be. The point was the proposition of the Tories for the appointing the Prince of Orange as Regent; which the hon. and learned gent. had said, was offered as an amendment to the proposition for making him King: but which if the Tories had been victorious they would not have objected to carry into effect by an Address. "On the contrary," said the hon. and learned gent. "they did not find any fault with the mode of proceeding by Address, and there was good reason to presume that they would have made their Regent in that way." The hon. and learned gent. must permit him to say, that he had mis-read the history of this transaction, and therefore misrepresented it. The argument of the Tories, as stated by all the historians, applied to the form as well as to the substance: they said, "that if a Regent was to be appointed, the old forms of the constitution and the practices of preceding times should be followed." These were nearly the words of the writers of that day, concerning this proposition, and from this it followed, as well that the hon. and learned gent. was wrong in representing the Tories as willing to appoint a Regent by Address, as that there were certain old forms of the constitution by which Regents had been heretofore appointed. What, then, were those forms? They were to be found in the Journals of that House: the precedents already so much discussed, of Henry the Sixth, contain them. There was no instance, ancient or modern, of a Regent appointed by Address; there were frequent instances of such appointments by acts of parliament and under the Great Seal: these were, therefore, the ancient forms referred to at the Revolution; these were the usages and precedents which we were now bound to follow.

The hon. and learned gent. concluded by saying, that he would not repeat what had been so often and so well argued on the subject of the precedent of 1788; it had been amply defended in all its points, by his right hon. friends: He had, indeed, not intended to have troubled the House at all on this subject, but that the statements, or he would beg leave to say, mis-statements, of the earlier precedents by the hon. gent. on the other side appeared to him to demand some observation. He would now only add, that though he hoped he had shewn that these precedents did not bear out the hon. gent. either in their arguments or their propositions, he was still ready to repeat the admission, that the proceeding by Bill must of necessity be, in some degree, irregular. But the hon. gentlemen opposite, had shrunk from the challenge which they had received, and had not even attempted to shew how they could remove the difficulty. A Bill must be informal, and all that he should think it necessary to say further for it was, that an Address would be still more so. For the Commission and the Bill there were old and modern precedents—for the Address no precedent at all. He did not conceal from himself the difficulty that existed, and which he thought was not so much to be attributed to this or that form of proceeding, as to the peculiar and embarrassing nature of the case: but he must also recollect, that the duty of the House was to render the embarrassment as light as circumstances would admit. In the proceeding which he supported, the difficulty was made as little as possible; in that recommended from the other side of the House, it seemed to him to be rendered more complicated by the addition of another step to the process. He must therefore adhere to the precedent of 1788, notwithstanding the difficulty that it involved, until the hon. gentlemen opposite should be pleased to explain by what mechanism, he had almost said by what magic, they intended to remove the still greater difficulties that their proceedings incurred.

Mr. *Whitbread* rose and said, that at that late hour of the night, it was not his intention to trespass for more than a few minutes upon the attention of the House; he could not, however avoid making a few observations upon what had just fallen from the hon. and learned gent. who spoke last. The hon. and learned gent. had dealt with his precedents, in whatever way he thought proper. He had spoken of writings which no man ever wrote, and of signatures that no man had ever signed. It was not, however, his intention to follow the hon. and learned gent. through all the mazes of his learned confusion. The subject upon which the House was now deliberating was certainly of the most momentous importance. His Majesty had been labouring for seven long weeks under the most afflicting of maladies; the exercise of the royal authority had been interrupted; and the ministers had dared to exercise the royal functions without making any communication to the two Houses of Parliament. The right hon. the Chancellor of the Exchequer had stated to that House, that the symptoms of his majesty's disorder were become more favourable, and that a speedy recovery was to be confidently looked for. Now, however, it had come out, that from the 1st to the 14th of November the symptoms were very violent. Could the right hon. gent. say, upon the evidence of the Physicians who had been examined, that recovery was likely to be speedy? Every one of them had declared that they could not give any such encouraging information. But even supposing, that his Majesty were to recover: even supposing that he should again be restored to the use of his reason, would he not, in all probability, be subject, for the remainder of his life, to a frequent recurrence of the same calamity? Had the parliaments, which have existed between the year 1788 and the present period, done their duty in making no provisions for such a recurrence? Certainly not. There was such a recurrence in the year 1801. Of that disease there was then a distinct relapse; and yet the minister of the day had arrogantly dared to carry on the business of the nation. In 1804, his Majesty was again in the same melancholy state. He (Mr. W.) could not make up his mind to the opinion, that the King was then fit to transact public business; he could not believe, that a person so subject to "hurries," as the Physicians had termed it, could be in a fit state to wield the executive power. He reverenced the King as much as any man living; but he could not forget that he was the Sovereign of a people, of whom he (Mr. W.) was one of the representatives. When the approach to that royal personage, even in perfect sanity, was cut off; when we knew that in 1801 and 1804, the public business had been carried on without his participation, was it not the bounden duty of that House now to provide for the due discharge of the kingly office? If the throne was vacant, if the royal authority was extinct, happily, there existed one, towards whom all eyes were turned for supplying the deficiency. The hon. gent. next adverted to the Resolutions that had been proposed by the right hon. the Chancellor of the Exchequer. To the first, there could be no possible objection. He must, however, say, that it was not necessary for that right hon. gent. to have thrown any apple of discord among the members of that House, by contrasting the different conduct of contending parties at the period of 1788, and at the present day. As however he had referred to the precedent of 1788, that right hon. gent. would give him leave to look to that precedent, as matured by the wisdom of Parliament. Fortunately, however, for the country, this was a precedent which was never acted upon, and the fruits of which, thanks be to God, we had never had occasion to deplore. An hon. and learned gent. had enumerated the many advantages which a Bill possessed over an Address; and amongst others, that it afforded a number of different stages of discussion. That hon. and learned gent. ought rather to have said, stages of delay; a delay which might ultimately render the Bill altogether unnecessary. On the contrary, the possibility of immediate execution, was, with the mode of proceeding, by Address.—Of the speech of his right hon. friend (Mr. Ponsonby)—a speech so well characterized by another right hon. gent. who spoke after him—the arguments had not been attempted to be answered. The mode of proceeding by Address was to all intents and purposes, the most complete and perfect: "We the Lords spiritual and temporal—We the Commons of this realm, beg leave to offer to your Royal Highness the executive power." Was there any tribunal higher than this? No, there was none. If we addressed, then, the Prince, our proceedings would have the highest authority; but if we went to make an act of parliament, which was not an act of parliament, the want of the executive deprived it of its efficiency. When the right hon. gent. referred to the precedent of 1788, he could scarcely believe that he had looked into this Bill, which he had eulogised as a master-piece of wisdom; for it did more than King, Lords and Commons united could do; it bound both Lords and Commons in fetters, and tied up their hands, which was more than an act of parliament could do. After the deliberate wisdom of the House had been so long employed in the framing of this Bill, we find in it that the Prince was to be prevented from making any use of the Privy Purse. The framers of this notable Bill must have been guided by the passions to which human nature was, unfortunately, too prone. Happily, however, for the country, the precedent of 1788 was never acted upon. If his royal highness the Prince of Wales had been able to exercise the functions of the executive during a struggle of three years, such a Bill must have done an irreparable injury to it, and degraded its consequence in the eyes of the nation.—The hon. gent. said he had no objection to attack the crown when it was in full force and vigour, but he would not attack it when it was obscured. He had repeatedly fought against it in the measure of Reversions, (a measure which was lost in the House of Lords) because they were odious to the people, and not beneficial to the crown. Certainly, the right hon. gent. opposite, the present Chancellor of the Exchequer, had not been so lavish in the grant of these Reversions, as some of his predecessors in office had been. This might be owing to the merit of the right hon. gent. himself; and it might also be the act of his Majesty, who having been formerly so repeatedly assailed and importuned, might at length have thought proper to withdraw his countenance to such a system. The hon. gent. paid his tribute of respect to the dignified reserve of his royal highness the Prince of Wales from the first hour of his Majesty's illness up to the present moment. No man living, he believed, could taunt his Royal Highness, by saying that he knew how he intended to act on such or such an occasion. Ministers, however, seemed resolved to render him almost a mere pageant, and to deprive him of the power which was necessary to the due discharge of his high office. A certain general had said: "Give me an army of 40,000 men, and if I invade this country, I shall either entirely subdue it, or make it not worth having." So, in like manner the minister seemed anxious to say, "Give me these Restrictions, and if I have not the power myself, I will at least make power not worth having." Why, exclaimed the hon. gent., would you tie up the hands of the executive? Why would you attempt to shade the splendour of the throne? Was the splendour of the throne calculated to make the man happy who filled it. Alas, No. It could make no man happy. It existed for the benefit of the nation. Was not the Regent completely under your subjection? Could you not annihilate him when you pleased? You made him with the Great Seal, and with the Great Seal you could deprive him of his authority. He had no security. Parliament had six weeks for consideration after the commencement of a session, whether he was again to be continued with the powers with which he was invested. And thus, he was brought as it were to the bar of your House. Whether or no the Constitution could go on in this way, was a question of most serious consideration: It might accidentally turn out well; but we were taking a leap in the dark. If it walked this course for weeks and months, why might it not walk on so for ever? The right hon. gent. opposite talked of Jacobins; but what Jacobin ever proposed more alarming measures than these. He would have us preserve the royal authority, not for the people for whom it was intended, but for the King (Hear! hear!) Say, then, that it was for the King. It was not for the individual king alone, but for his successors. Comparing the Prince of Wales with King William, we had certainly additional reason for confiding in his royal highness. Was there such security from King William as a King, as we have from George Prince of Wales, that he will execute the office of Regent with duty to the people and affection to the King? Did we know a more delicate hand than his into which his royal father could be confided? but he wished that his Majesty should rather be under the guardianship of the Queen: But, in whose guardianship had the King been for the last seven weeks? Why, in the hands of these usurpers. The hon. gent. said, that he had asked in the Committee, a question of the physicians, which, from his being over-ruled, received no answer; namely, who had sent for a certain physician? He was stopped; but he would now repeat it, as a question that ought to be resolved. Who had exercised all the royal functions for the last seven weeks? Ought things to go on in a way like this? We knew that his Majesty was only accessible by one sense. Let the House reflect, that even when the King was in perfect health, it was impossible for any information to be conveyed to him, but through the medium of his ministers, and sometimes, perhaps, of his minions. Let them reflect on the unhappy state into which Sweden had fallen after the death of Charles the twelfth, in the attempt to abridge the power of his successors, when in fact, the King became the mere servant of the state; and if they were wise, they would assuredly be cautious of setting a precedent to this country, of a similar degradation of the royal authority.

Lord *Castlereagh* argued in favour of the proceeding by Bill, rather than by Address. It was now admitted on all sides, that the task devolved on the two Houses of parliament to make provision for supplying the defect in the third estate of the realm; that it was not only their right but their duty to do so; that upon them devolved the responsibility, and consequently the discretion of making an adequate provision in the existing emergency, for the temporary exercise of the royal authority, during the indisposition of the sovereign. As no claim of express right was or could be contended for, either in favour of any individual or of any particular arrangement, it became a question of expediency for parliament to decide, on constitutional grounds, what that system was which would best and most gradually provide for his Majesty's interests, as connected with those of the public, during his personal incapacity.

All opinions happily concurred in looking to the Prince of Wales, as the proper depository during the interval of his father's authority. Under what Restrictions and limitations (if any) his Royal Highness should exercise the royal authority, would be a subject of distinct consideration, in a subsequent stage of our proceedings: the only question now was, as to the proper mode of proceeding to invest the Regent with the necessary authority to act. It certainly was desirable as much as possible, to avoid delay; but time would be gained to little purpose, if the Regent's authority was not constituted in such a manner, as the courts of law could take notice of it. As matters now stood, all the ordinary functions of government, where the personal intervention of the sovereign, by sign manual or otherwise, did not necessarily occur, proceeded regularly and legally under the subverting commissioners from the crown, and all officers usually accustomed to convey the King's commands might still (taking the responsibility upon themselves) carry forward the public service in its accustomed channels, by signifying the King's pleasure, a disobedience to which no subordinate officer could justify. But, were a Regent to be created simply by Address, whether with or without restrictions, could he proceed effectually to exercise his authority before an act of parliament was passed enabling him to do so? Could he upon an Address of the two Houses form a government? Would the orders of his secretaries of state be valid and supersede those of the King? Would the sign manual of a Regent so appointed render any military commission valid? Could any man be legally convicted before a court martial for disobedience to an officer acting under such a commission? Could any judge sitting in a court of justice take notice of such an authority; must he not, on the contrary, still declare the King's authority every thing, and the Regent's nothing.

If then an act must pass, and if the Regent can have no valid or effectual authority till this is done, what is gained by proceeding, in the first instance, by Address, instead of by Bill? Is it advisable to constitute a Regent by Address, merely to pass the act which creates his own power? To make a law which the courts of law can take notice of, the Great Seal must be affixed. During the King's incapacity, it is clear the Great Seal must be put in motion by an extraordinary act of power, justified only by the necessity of the case; out of this necessity and limited by it, grows the power of parliament to act. Why should the two Houses give activity to the Great Seal through a Regent, (whose authority in this case would not in law be recognized as more valid, than on any other) instead of directing the officer in whose custody the Great Seal is, at once to affix it to the act appointing the Regent? If it is conceived, that the moment the Regent is appointed, the third estate is entire, and the legislature may then and not till then properly proceed to restrict the Regent, it may be answered, parliament is then no longer master of the question—they are virtually throwing the responsibility off their own shoulders in dividing it with a Regent, and why put a Regent in the painful dilemma of either being obliged to make use of his negative to defeat the views of parliament, or to become the instrument of imposing Restrictions upon himself, which he conscientiously may disapprove.

The noble lord urged this view of the question in other shapes. He distinguished also between the cases of the Restoration and the Revolution, and the present. In the first, he observed, nothing was requisite but to recognize the authority of their lawful King; in the second, the Throne was declared vacant; but, in the present instance, the Throne being full, and the political capacity of the King entire, the duty, and consequently the power of Parliament was limited to making provision for the temporary exercise of the royal authority.—He concluded by stating, that as the Regent's authority must finally receive the sanction of law, and as it was nothing without it, such an officer being unknown to the common law, he conceived the natural course was to proceed by Bill; at once to create the office, describing it at the same time on the face of the act, its functions and authorities, and passing that Bill, (the King being still on his throne) with no wider deviation from the ordinary course of passing Bills, than what resulted from the incapacity of the moment personally to authorize the Great Seal to be affixed; an order, which, unless the Resolution establishing the right of the two Houses to provide for the deficiency in the third Estate, was utterly false and groundless, it belonged to Parment and to no other authority to issue. The noble lord said, that at so late an hour there was only one other point which he should wish to advert to, which was the reference made by an hon. member (Mr. Whitbread) to a relapse which had occurred, after his Majesty had been considered in the year 1804 competent to see his Ministers upon business. Having been a member of his Majesty's government at that period, although the particular department he filled (the Board of Controul) did not render it necessary for him, at that time, to attend his Majesty on business, yet he could positively state, and it was due to his noble friend, (lord Sidmouth) then at the head of the government, he should state, that none of his confidential servants approached his Majesty on business without previously satisfying themselves by an Examination of the Physicians in cabinet, not only that his Majesty was competent to transact business, but that his pleasure might be taken without prejudice to his recovery. He trusted, therefore, the House would feel that any insinuation that the King had been called on, when incapable to exercise his royal functions, was wholly without foundation; and with respect to the relapse in question, which was proved to have been of very short duration, the noble lord said, he left it to the House to judge, whether either the Physicians or the Ministers were called upon, he would even say whether they would have been justified in exciting the public anxiety upon so slight grounds, by renewing the Bulletins, which had, at that time, been discontinued for several days.

A division then took place upon the third Resolution.—Ayes, 269; Noes, 157; Majority, 112.

The House was then resumed, and the Report of the Committee was ordered to be received to-morrow.

HOUSE OF COMMONS.

Friday, December 21.

[State of the Nation—King's Illness.] Mr. Lushington, according to order, reported from the Committee of the whole House, to whom it was referred to take into consideration the State of the Nation, the Resolutions which the Committee had directed him to report to the House. On the question that the said Resolutions be read,

Sir Francis Burdett rose to offer his objections to some of the Resolutions, but was informed by the Speaker, that the most proper time for making his observations would be when the question was put, That the House agree to the said Resolutions.

The Resolutions were then read as follow:

1. "Resolved, That it is the opinion "of this Committee, that his Majesty is "prevented by his present indisposition, "from coming to his Parliament, and "from attending to the public business; "and that the personal exercise of the "Royal Authority is thereby suspended."

2. "Resolved, That it is the opinion of "this Committee, that it is the right and "duty of the Lords Spiritual and Tempo-"ral, and Commons of the united kingdom "of Great Britain and Ireland, now as-"sembled, and lawfully, fully, and freely "representing all the estates of the peo-"ple of this realm, to provide the means "of supplying the defect in the personal "exercise of the Royal Authority, arising "from his Majesty's said indisposition, in "such manner as the exigency of the case "may appear to them to require."

3. "Resolved, That it is the opinion of "this Committee, that for this purpose, "and for maintaining entire the constitu-"tional Authority of the King, it is neces-"sary that the said Lords Spiritual and "Temporal, and Commons, of the united "kingdom of Great Britain and Ireland, "should determine on the means where-"by the Royal Assent may be given in "Parliament to such Bill as may be passed "by the two Houses of Parliament re-"specting the exercise of the powers and "authorities of the Crown, in the name "and on the behalf of the King, during "the continuance of his Majesty's present "indisposition."

The first Resolution was agreed to unanimously. On the question being put upon the second, sir Francis Burdett and lord William Russell rose nearly at the same time, but sir Francis gave way to

Lord *William Russell*, who said, that although he differed from the hon. baronet in many points, yet in this point he fully concurred with him. And as long as he found the hon. baronet maintaining doctrines which tended to preserve the liberties of all the people of these realms, so long would the hon. baronet find from him as warm a support as from any of his most determined partizans, at least as far as it was in the power of his humble abilities to support him. He agreed with him as to the propriety of rejecting the second Resolution. He was himself old enough to remember all the proceedings which took place in the year 1788, and he did not consider the cases so similar as to make the same Resolutions proper now, which were then conceived to be necessary. He recollected perfectly well, that the Resolutions which were then agreed to originated from circumstances which arose in the course of debate. An assertion was supposed to have been made by his revered friend, the late Mr. Fox, that the Prince had an absolute hereditary right to take upon himself the Regency, during the incapacity of his royal Father. It was on the supposition that such an assertion had been made, and a claim of that nature set up, that Mr. Pitt conceived it to be his duty to bring forward this Resolution, in the way of Counter-Resolution. There might, therefore, have been at that time some necessity for such Resolution; but it did not follow that there was the same necessity now, when no such expressions had been made use of. He did not conceive that the Great Seal could at all supply the place of the royal authority; and if it was intended to do so, he thought the person to whom it was entrusted ought to have the power to assent to or dissent from the proceedings of the two Houses, and exercise a choice whether he was to affix the seal or not. He could not agree with the Resolutions which had been read. He objected also to the principle of that House voting abstract propositions, and should therefore conclude by moving the previous question.

Sir *Francis Burdett* rose to support the motion made by the noble lord who had just sat down. That noble lord had fully stated his reasons for opposing the Resolution to which the House was now called upon to agree. His own object in rising was to add a few more reasons to those which had been so well urged by the noble lord. He thought, in the first place, that the ground taken by the noble lord in his opposition to that Resolution was such as imperiously to require an answer from those gentlemen, who relied so much upon the argument of necessity. It behoved those gentlemen to shew in what the necessity consisted. In his opinion that necessity had not been as yet made out; and the whole appeared to be but a false pretence to do that which nothing but extreme necessity could justify. Why had there been such discussion, such contrariety of opinion, if the necessity was clear: If the case were one of necessity, the necessity would admit of no alternative; but in this instance the House had an alternative and, therefore there could be no such extreme necessity as had been contended for. The House was perfectly at liberty to do one of two things, and consequently could not be restricted to one only; as it would if acting under the pressure of an imperious necessity. Gentlemen might therefore call it expediency, conveniency, or designate it by any other pliable and indefinite term, but necessity they could not call it. The noble lord had stated, and had stated truly, that the bare assertion of an abstract proposition by that House could have, and ought to have no influence on a question like the present, and was in most cases to be deprecated. Of this there could be little doubt; that an Assembly constituted as that House was, could not be thought to bind either others or themselves at different periods. The mischief arising from this folly had been but too obvious. Hence it was, that as every House of Commons had a right to an opinion, and the expression of it, that the Journals of that House exhibited such a motley specimen of repugnant opinions, and contradictory resolutions; and for this reason, had he always been hostile to that House, or any Assembly so composed, taking upon itself the province of laying down abstract propositions, ultimately confirming and contradicting each other.

The noble lord had also adverted to the great difference which existed between the circumstances that attended the introduction of the second Resolution to the House in the year 1788, and at the present time: it appeared, that, in the course of the discussion, the question of right had been advanced; it rested upon the opinion of an individual, an opinion which the prince of Wales did not sanction. Now, this opinion in favour of the question of right, did appear to the hon. bart. not to be well founded; for where there was right there must be law; right was, in fact, law; and where there was no law there was no right. He therefore inferred, that the Prince's succession to the office of Regent was not absolutely matter of right. But he would here ask, if there could be right only where there was law, by what right could that House assume to itself the power of providing the means of supplying the defect in the Executive Government? Where was the law which warranted the right of such assumption? And if the law could not be found, he would ask, how came they by the right? There was, however, this difference between the supposed right of the Prince to the Regency, and the supposed right of that House to nominate the Regent, that in the former case there could be no doubt of the fitness and expediency of the Prince being the Regent, though there must be doubts as to the expedience of that House usurping the power of appointing any person Regent. The Heir Apparent ought to succeed to the Sovereign Power, in every case of the demise of the Crown. The present case was a demise of the Crown (Hear! hear!) This supposition was in no way inconsistent with the actual and existing integrity of the Kingly power. In all other cases of demise, the Heir Apparent to the throne was designed to succeed to the government of the country. In former periods of our history, in the event of the imprisonment of the reigning monarch, of his being driven out of his kingdom, and in being absent from his dominions, as in the case of Edward 4, in all such cases, the expediency and fitness of the next heir succeeding to the Executive Power during such demise could not have been questioned. He thought this, indeed, to rest upon a vital principle of the constitution, which regarded the parts of the constitution as distinct in themselves, however united or mingled in their joint co operation. This, he had no doubt, would be providing for the defect in the executive, in a way more consonant to the sound principles of the constitution. And he saw no reason why the minister should now call for a further delay to pass his own measure, when the same purpose could be more constitutionally answered without any delay, or at least without more than the delay of two or three days. They had now been six weeks without a government, and he saw no reason for adding to that delay by preferring one mode of proceeding to another, which was not only more constitutional, but would be productive of comparatively no delay, to say nothing of the House being called upon to exercise a right which did not belong to it. An hon. and learned gent. had last night asked, if, because the King was to be incapacitated, the House of Commons was to be incapacitated also? In times more pure, and with respect to the conformation of that assembly, infinitely more perfect, no such right was insisted on, and the want of it was not thought an incapacitation. But how was the House incapacitated by not assuming that province which the constitution had not given to it? The way of its duty, in the present case, was clear, plain, and explicit. In addressing the Prince, and offering him in that Address an opinion, and grounding upon that opinion a request, we did not usurp a disputed power, but exercised an undoubted right. We adhered to the good, old, sound principles of the constitution, by keeping within the sphere of our own rights and duties. The perfection of the constitution was its simplicity; and which course was more analogous to that simplicity? The doubtful, indirect, confused, and inefficient proceeding by Bill, or the simple, easy, direct course of Address? And yet, after spending six weeks in doing nothing, we were now to give rise to still greater delay, by preferring the former course to the latter! The hon. baronet insisted that a great deal of time had been unnecessarily wasted, and that the country ought not to have been suffered to remain six weeks under a mangled constitution, and without a chief magistrate competent to discharge the duties of that high office.

The hon. baronet then proceeded to animadvert upon the facetious observations, which his remark relative to the corporation of the city of London had called forth from a right hon. gent. (Mr. Canning.) He congratulated that right hon. gent. upon his restoration to those powers of pleasantry, which, unfortunately for the entertainment of the House, had so long been clouded. The hon. baronet said, he was not surprised, that the national calamity, which that right hon. gent. had been so instrumental in producing, had clouded for so long a time his characteristic gaiety and accustomed facetiousness. It was not, however, to be wondered at, that the right hon. gent. should grow somewhat grave, when he contemplated the dreadful marks of death, which the direful Expedition to Walcheren had inflicted upon this country. The hon. baronet thought, that while the country was groaning under the miseries of that fatal and disgraceful Expedition, the merriment of one of the authors of those miseries might have been better spared; and more particularly of him who stood before the public, self-convicted of having acted in concert with a colleague (lord Castlereagh) whom he had denounced as unfit, unworthy, and inefficient. Here, indeed, there was more than enough to suspend any unseasonable quips and quirks and drolleries, conscious, as that right hon. gent. must have been, that if ever there was a minister of this country who deserved impeachment, it was that right hon. gent., for his conduct in that transaction. No wonder, then, that the sense of his situation had depressed those light and airy sallies of pleasantry in which that right hon. gent. so much delighted, and which, however deficient in instruction, could not be said to be wholly destitute of amusement. Now, however, that the right hon. gent. had happily been restored to the exercise of his suspended powers, the hon. baronet said he would seriously advise him to be more select as to the subjects of his jokes in future. In the best periods of our history, the lord mayor, aldermen, and common council of the city of London were to be found taking a zealous and active part in defence of the rights and liberties of Englishmen. They were a very important body, and had considerable weight in all the political affairs of the country. At the period of the Revolution, they sat together with the first orders of the state, and in the Convention which then assembled, they did not prove themselves unworthy of co-operating with the highest of the nobility in the great work which was then accomplished. They had been in the most trying times of our history a great weight in the scale, and therefore had they been a party in waiting upon the Prince of Orange and addressing him to take upon himself the administration of public affairs. What would the right hon. gent. say, if the citizens of London were now to present an Address to the Prince of Wales? Although the right hon. gent. now affected to hold such bodies in great contempt, and although the interference of the citizens of London in matters of state was now treated as perfectly ridiculous, the right hon. gent. did not always hold them in such utter contempt: for however he might now despise them, he had not thought it beneath his dignity, when Secretary of State, to meet a parcel of contractors and loan jobbers at a public dinner given at a tavern; and even to condescend to vary their conviviality by haranguing them, in a sage and set speech, upon the state of the nation.

The hon. bart. next proceeded to observe upon the speech made last night, by the hon. and learned gent. who sat behind him (Mr. Horner.) That speech, considered as a whole, he thought very candid and intelligent. But there was one part of it from which he must beg leave to dissent. It was that part where the hon. and learned gent. seemed to argue, as if there was some law which was above the law of the land; a constitutional something which was only to be found in the proceedings of parliament. From this opinion he must totally dissent; or, if there was such a law, he confessed his understanding to be too narrow to comprehend it. He acknowledged no law superior to that which was to be found in the Statute Book; and as to the recorded proceedings of parliament, they were so variable and contradictory that he could not see how any thing could be extracted from such an inconsistent mass which deserved the name of law. What was a constitution but certain things established by law? but to talk of a law which was beyond the law, was, in his mind, to talk of a constitution in the air. It was evident that the generality of those who argued upon the constitution, differed entirely in their ideas of what was the constitution, and consequently all arguments were like endeavours to cast up the same sum with different figures.—As to the mode that was proposed for supplying the deficiency, it appeared to him more like a complete subversion and usurpation of the Crown, than the supplying its deficiency. If the two Houses wished to create a third estate, they ought to create a will also to judge of its necessary functions. Now, the gentlemen on the other side of the House seemed to consider the Great Seal as something possessing a magetic influence, a sort of a talisman, which could effect miracles; and one right hon. gent. (Mr. Canning) seemed to think, that its having been thrown into the Thames at the time of the Revolution, made a serious difference in the question. The gentlemen on the other side mistook the principles of the Revolution entirely, if they thought Great Seal or no Great Seal was of any importance on that occasion. It was a great principle which was settled at that time, that power originated with the people; and that there did exist an original contract between the Crown and the people, which, if violated by the Crown, the power lawfully reverted to the people, who might confer it where they thought proper. It was this great principle which our ancestors had in their thoughts at the time of the Revolution, and the miserable expedient of making a sovereign of a Great Seal never occurred to them.

As for the precedent of the Resolutions of 1788, he never would admit that there was any necessity or expediency in the House of Commons laying down abstract propositions, and entering them upon their Journals to govern future cases, however dissimilar they might be in the circumstances. The ministers, however, had been most servile imitators of the precedent of 1788, and never seemed to have considered the reason why those Resolutions were then passed. Similar Resolutions were not now called for, as nobody had, upon the present occasion, started the doctrine which was then so warmly discussed. He, indeed, suspected that in 1788, as well as upon the present occasion, ministers had a reason which they did not choose to avow, and that was to produce as great a delay as possible. The Resolution which was now before the House asserted a thing which was not true in fact, namely, that the two Houses of Parliament "lawfully, fully, and freely represented "all the estates of the people of the realm." This statement was directly contrary to the fact: it was an assertion totally uncalled for, and, in his opinion, most unwise. He therefore felt it to be his duty, to take the sense of the House, upon the second Resolution—or rather to divide the House in order to have the objection recorded on the Journals—for as to what was called the sense of the House, that would doubtless on this, as on most other questions, accord with the sense of the right hon. the Chancellor of the Exchequer, or rather of the tripod whence he delivered his oracles.

The Honourable *William Lambe* declared his concurrence in the second Resolution, that the two Houses of Parliament had the right to supply the defect in the personal exercise of the royal authority, from whatever kind of incapacity arising. Adverting to the favourable account of the state of his Majesty's health, which had that day been published, he congratulated the House and the country upon it. But at the same time he could not help casting back his eyes upon the delay, which had been allowed to intervene between the suspension of the royal functions, and the provision necessary to be made for it; and protesting against it as contrary to the recognized fundamental law of the constitution. Reverting to the question of right, he maintained that whether the incapacity arose from the absence of the King, or from any other cause, the two Houses had an undoubted right to provide the remedy, and in proof of this, he cited the proceedings of the Long Parliament in the reign of Charles the first, though rejected by modern patriots as precedents. When he considered the ability of the lawyers who sat in that parliament, though they had come to an erroneous conclusion, yet, in his opinion, they had clearly established the ancient law in favour of the right of the House. No one was more disposed than he was to admit, with the hon. baronet, that there were defects in the representation of that House. No one was more willing to contend for the necessity of some reform; but still he must declare that until such reform took place, their assemblage was legal. The hon. baronet, anxious as he was in his efforts to prevent anarchy, ought to consider, in reality, what an anarchy he was introducing by thus sweeping away at one blow all their parliamentary acts for 100 years back—by thus reducing them at once to the primary assemblies. The hon. baronet's own proceedings too were at direct variance with his principles. Thus some time ago he applied to the House for the appointment of a committee to enquire into the State of the Representation: upon this proceeding, if agreed to, no doubt he intended to found a bill. Now, where was the use of the hon. baronet's application, or where would be the validity of his bill, in case, as he declared, that House was not legally convened? So much for the constitutional doctrine of the hon. baronet.—Now with respect to the delay which had taken place, he must say he thought that delay in the highest degree dangerous. He viewed it in a very different light, indeed, from that in which it was regarded by a right hon. gent. opposite (Mr. Canning) who had declared that if a further adjournment had been proposed, he would have assented to it. It was right in the House, all would allow, to take effectual measures for supplying the deficiencies in the executive; but could any person say that it was right in them to defer this duty week after week, and proceed from one adjournment to another? Who knew what might be the effects of such delay—the injury arising from the precedent—the danger of the example—the detriment which must ensue to the public service? Delicacy had been assigned as the reason and the apology. He was very ready to allow every deference to that delicacy within the bounds of discretion; he was willing to do it abstractedly as well as individually. It was impossible not to see this desire in the general sympathy of the country—it was impossible not to see the great bulwark raised round the monarch by the universal respect and compassion which he excited. Abstractedly, indeed, every delicacy was due to kings. It was the misfortune of their high station, that every act they did was the source of observation—their lives, their errors, their failings, their misfortunes, even their very maladies were subject to an inquisition, and might be productive of the most important effects. The proceeding by Bill he deprecated altogether. As to its having more weight than an Address, he confessed himself incapable of conceiving how that could be the case.—He could not see how a commission executed by a body could possibly have more efficiency than the act of the body itself, whence that commission emanated. The proceeding by Bill he thought illegal; but even supposing it was equally legal with that by Address, still could not every object be as well attained by the latter? Could not every limitation be as effectually imposed? Could not any provision be as well engrafted on the Address as they were in a former instance on the Declaration of Rights? He did not wish, constitutionally speaking, to trust to the discretion of any Regent or of any King; it was right to suspect them, not personally, but politically; it was right to watch over them with a vigilance, which, without supposing them unjust, might prevent their being so. To those who would say that the mode of Address freed the Regent from this suspicion, he would ask, did not the mode by Bill rather tend to throw that suspicion upon parliament? Did it not go to say that the moment the Prince came into power, he might influence the House, and fritter away the limitations? As to the care of the King's person, whoever had observed the duty and veneration which the Prince had manifested towards his royal father could be under no apprehension upon that point. King William, it was known, had refused to assent to two Bills founded on the Declaration of Rights at the Revolution; the Triennial Bill, and a bill respecting the Judges' salaries. But the parliament and the people prevailed at last. Here they would have a better security in the word and honour of the Prince, in some measure voluntarily given. The hon. gent. concluded, by again declaring his preference of the mode of Address in every point of view, and with hoping that the House would revise its decision of last night.

Mr. *Stephen* began by observing, that he found great difficulty in replying to the manner of the hon. baronet's (sir F. Burdett) argument, but very little to the matter. The hon. member, however, who had just sat down, had, in his eloquent and impressive speech, anticipated much of what he had to urge in reply to the hon. baronet. He had the misfortune to differ from the hon. baronet in every point but one. To differ from the hon. baronet, was, indeed, nothing new, but the difference in the present instance was rather singular. The hon. baronet had declared his concurrence in all the sentiments of a speech delivered by an hon. and learned gent. (Mr. Horner) last night, with one exception. Now, that exception was exactly the only point in which he (Mr. Stephen) happened to agree with the hon. and learned gent. to whom the hon. baronet alluded. He agreed with the hon. and learned gent. that in the practice and law of parliament the foundation was to be found of some of the most important constitutional principles, independent of the statute law and common laws of the land. He admitted, that the value of the precedent of the Revolution did not arise from the use which had been made of the Great Seal on that occasion, but the constitutional principle which had then been established—not that the two Houses of Parliament had a right to cashier, as it had been called, the King, when he attempted to violate public liberty, but it was, as Mr. Justice Blackstone said, with his usual correctness, a case compounded of various parts, forming a principle upon which they were not only justified, but bound to act, if a similar instance should occur. If, then, a sovereign should abrogate the fundamental laws of the realm and leave the kingdom, there would be an abdication and a vacancy, and the Lords and Commons would have the right to supply the defect, and alter the succession, as had been done at the Revolution. In the year 1788, however, they had a new case, and the three estates of the realm determined that upon such an occasion the proceeding ought to be such as was now proposed by his right hon. friend the Chancellor of the Exchequer. The hon. baronet well knew that the constitution was not the work of a day, but that it arose gradually from the practice of parliament, in particular cases, by which several great and leading general principles were solemnly sanctioned and established—some of the most important of these depended only upon one precedent. The crown was hereditary, but subject to different rules of succession from those which belonged to the ordinary succession to property; there was no coparcenary; all the females did not inherit together, according to the common law of the kingdom. At the death of Edward VI. his sisters, Mary and Elizabeth, did not succeed as co-heirs, but Mary succeeded alone, and from this circumstance the canon was formed, that in cases of female succession, the elder sister alone should be the heir to the crown. He could not find another precedent for this rule. Mary, too, succeeded her brother, though only of the half blood—another point in which the succession to the crown differed from the law in other cases, and by this precedent, another important general canon was established. In the same manner, he regarded the precedent of 1788, as establishing a new canon, that where an incapacity in the Sovereign took place, the right devolved upon the two Houses to provide for the temporary exercise of the royal authority, and that the constitutional mode of proceeding was by Bill; every other proceeding being then solemnly negatived. This was the broad foundation on which his right hon. friend the Chancellor of the Exchequer stood, in adhering to the precedent of 1788. It was not merely an inchoate transaction, but as far as the questions upon both the second and third Resolutions were concerned, consummated; for the parliament had actually been opened by commission. Here, therefore, was a full and complete precedent, and, as had been justly observed, one which was afterwards practically ratified by the sanction of his Majesty when he recovered, and by the royal assent having been given by him to several bills which had been introduced into a parliament held under these circumstances. This argument had been so much felt by gentlemen on the other side, that they had made the strongest efforts to meet it, though without success. They spoke in disparaging terms of the party in power on that occasion, and of other circumstances, in their opinion, detracting from the force of this precedent. But they did not appear to consider that reasoning of this kind might overturn some of the most important precedents on the Journals of the House. The proceeding in 1788, could not, without the greatest danger, be regarded in any other light than as a full and complete precedent. Instead of this, however, hon. members had treated it without even a decent respect. They described it as a flagrant absurdity, as a fraud, an imposition, and even as high treason against the constitution. What would be the consequence, if this sort of reasoning were to be applied to the precedent at the Revolution?

The hon. and learned gent. next adverted to the reasons given by the hon. gent. who spoke last, in support of his preference of the mode of proceeding by Address rather than by Bill. This had been but little touched upon in the course of the debate of last night; and all he could collect from the hon. gent.'s observations was, that his royal highness the Prince of Wales would feel himself more bound to adhere to the declaration and wishes of the two Houses, if the proceeding by Address should be adopted. He concurred in every thing that had been said respecting the punctilious honour of the Prince of Wales, but the hon. gent. seemed to have forgot his own argument, that personal confidence was not a good constitutional principle in any case. But the hon. gent. asked if the two Houses and the people would bear that their confidence should be abused? He asked in return, whether they would bear that the Regent should violate an act of parliament? Kings and Regents must act by advisers, and the mode by Bill would afford a better remedy against evil counsellors. Reverting to the case of the Revolution, Mr. Stephen stated, that a distinction had been noticed by the right hon. gent. near him (Mr. Canning), who had treated the subject with so much force and eloquence, to which no reply had been made. On that occasion there was no King to affix the Seal to a Commission. If they had used the Seal in the name of James 2, who had abdicated, the Convention would have violated their principles. Here, however, no such difficulty existed. There was in existence a King, in whose name every thing must proceed, whether the Seal was in the custody of a Regent or a Chancellor. Whoever had the custody of it, it must be the Great Seal of George the Third. The precedent of 1788 was exactly in point, and for the space of 21 years had been acquiesced in, and not impeached till the present moment.—The hon. and learned gent. then adverted to the charge of delay for seven weeks, and observed that if this was to be alledged as a fault in his right hon. friend, the Chancellor of the Exchequer, it was a fault in which they were all implicated, for the adjournment had taken place when they were perfectly aware of the King's incapacity. He contended, however, that the conduct of his right hon. friend, in this respect, deserved praise and not blame; and this would appear from the evidence before the House, which the hon. gent. opposite (Mr. Whitbread) seemed to have very much misunderstood. He did not know where the hon. gent. had found any thing to support the view he had taken of it, unless in the questions which he himself had asked in the Committee, and which had been expunged. There certainly was no foundation for it in the printed Report. He found there the most confident hopes expressed of his Majesty's ultimate recovery, and in this case the physicians had declared, that they thought that his Majesty's having been previously affected three times with the same disorder, and having recovered, though the matter certainly had two aspects, was, upon the whole, rather a favourable circumstance. Why, then, with such a chance of recovery, would his right hon. friend have been justified in neglecting to propose an adjournment, as long as the dearest interests of the country were not sacrificed? There were one or two passages in the Report peculiarly consolatory. The cause of the malady was known. It had been ascribed by all the physicians to a domestic calamity, and this had been stated as a ground of hope; and if it had not been so stated, any one, even without a medical education, might have conjectured that where a sound system was disturbed by an extrinsic cause, the more violent the cause, so much the greater must be the chance of recovery when that cause was removed. And who that knew the feelings of a father, but must be aware of the violence of that cause? A modern poet, who well knew how to touch the heart, as well as to amuse the imagination, had afforded an apt illustration of the affection which his Majesty entertained for his daughter:—

> Some feelings are to mortals given,
> With less of earth in them than heaven;
> But if there be a human tear
> From passion's drops refin'd and clear,
> A tear so limpid and so meek,
> It would not stain an angel's cheek,
> 'Tis that which pious fathers shed
> Upon a duteous daughter's head.
>
> LADY OF THE LAKE.

If such were the parental extacies of his Majesty, what must have been his affliction in losing this daughter, under the most trying circumstances,—a daughter whom he knew to have been struggling for weeks and months with death.—The hon. and learned gent. said, that when he heard of the agitation of his Majesty, on receiving the daily report of his daughter's health; when he heard of his daily visit; when he figured to himself his venerable form approaching his child, only to mark with his yet remaining senses her faultering voice, and feeble respiration, while that child, as the flame of life glimmered in the socket, shewed "Her ruling passion strong in death," and presented the ring to her father, that he might remember her whom he could not see—when he heard all this, he was not ashamed to confess that he could not hear all this without shedding a tear. Still, however, this afforded a consolatory hope of his Majesty's recovery; and he could not help congratulating the House upon the reflection, that a constitution which had withstood such an attack could not be much injured, that it had still a self-restoring power, and that there was strong ground to conclude, that the country would be for a longer time blessed with a King, whose virtues during a reign of fifty years had sunk so deep into the hearts of his subjects.—If his right hon. friend had not delayed for the longest term that the dearest interests of the country would admit, under these favourable circumstances, he would have shrunk from his duty towards one of the best and most amiable sovereigns that ever graced the throne of this or of any other nation. He was glad that the merits of his Majesty had been recognized on both sides of the House, and he did not envy the feelings of those who yesterday grudged the House even that satisfaction, and alluded to the failures of the various administrations that had been in office during his Majesty's long and eventful reign. He hoped the country would soon again have the advantage of his full restoration, with all his regal virtues. Never, perhaps, was there a monarch so beloved. The hon. and learned gent. concluded, by remarking that the imputations of delay by the gentlemen opposite were at war with their objection to the proceeding by Bill. It was not the Bill, but the spirit of controversy which occasioned the delay. If the Bill should be acrimoniously contested in all its stages, a considerable delay would no doubt take place, but without this the proceeding by Bill could not be much more dilatory than that by Address. The Address of the Irish Parliament had been about fifteen days, he believed, under discussion. It was for the gentlemen on the other side to prevent delay, by ceasing from that tedious opposition by which the progress of the measure had been retarded.

Mr. *Charles Williams Wynn* contended, that the House was not warranted in arguing this subject by a reference to the virtues of his Majesty during a reign of fifty years, on the one hand; nor, on the other, by expatiating on the virtues of his royal highness the Prince of Wales, and the confidence that might safely be placed in that illustrious personage. They were there met to decide upon a great constitutional question, and should in debating it, consider the situation of a King generally, not of the reigning King, nor of the present Prince of Wales. He agreed fully in the principle laid down in the second Resolution, "that it was the right and duty of the two Houses of Parliament to provide the means of supplying the defect in the personal exercise of the royal authority;" but he was confident that that right and that duty were sufficiently established by the Resolution that was agreed to in the year 1788, and that it was wholly unnecessary to pass a similar Resolution in the present instance: but as the Resolution has received the sanction of the Committee, he did not think it proper to get rid of it now by the previous question, lest that might bring the principle itself into doubt.

On the third Resolution he felt considerable difficulty in stating the opinion he entertained, differing as it did from the opinions of those whom he most loved and respected; but he had to decide upon a great constitutional question, and could not give up his conviction in deference to the highest and most revered authorities. He had, however, the satisfaction of knowing, that in the line of conduct he was in this instance adopting, he was following the example of one whose memory he most honoured and revered, and whose name he bore*. The third Resolution rested upon the two preceding Resolutions. If the two Houses should at once direct the Keeper of the Great Seal to affix it to a commission for declaring the royal assent to a bill, that proceeding would be a nullity; the bill would not be an act of parliament; and no court of justice would be bound to take notice of it. But in this case, the two Houses would have previously declared the incapacity of the sovereign, and from this would arise their authority, founded on the necessity of the case, to order the King's own Seal to be affixed to the commission. These previous Resolutions therefore were the basis of the proceeding of the House, as without such declaration of the fact and of the right, any fabric that might be raised upon the third Resolution would not stand the slightest touch. In either course of proceeding, by Bill or by Address, the courts of law would be obliged to take notice of them. He could not, therefore, allow that the proceeding by Bill would be illegal. There was nothing obligatory on the House to proceed by either course more than by the other. It had, indeed, been argued, that the precedent of 1788 had established a new canon in the constitution. If the hon. and learned gent. who used that argument, and who sat in that House in consequence of the Union with Ireland, had used it previous to the Union, it might have had some weight; but at present, the gentlemen who represented Ireland had as good a right to refer to the precedent of the Irish Parliament. It had also been said that the precedent of 1788 had been finally ratified by the King, as the bills which had been introduced during the progress of the Regency Bill had been ultimately completed. Not one of those bills however, had passed either House previous to the second commission, and, at all events, that House would not allow either the King or the other House to advert to the progress of any measures it passed, except for the purpose of ascertaining that they had been read three times. Yet, after all, this was but a technical view of the question. The King's Speech was always considered the speech of his ministers, approving of their own measures; and in the Commissioner's Speech, which had been so much dwelt upon, there was no allusion whatever to any of the bills before the House at the time.

As to the argument, that the proceeding by Address was not so expedient as that by Bill, he must contend that the Address, if accepted by the Regent, with its accompanying conditions, would have the force of an act of parliament. It would be as absurd to think of providing for giving the assent of the King, whom they had already declared incapable, to the Bill of the right hon. gent., as it would have been to have provided for giving the assent of James the second to the act declaring his abdication. The functions of the executive were suspended, and it was the duty of the House to proceed in the plainest way to supply the defect. The argument, that the delay arose from the opposition to the course proposed, amounted to this, that if the House would implicitly agree to all the measures of the right hon. gentlemen opposite, they would be sooner completed. The course by bill was tedious in its process, and necessarily must be attended with delay. The simpler course would be to declare the incapacity, and to provide at once for supplying it by Address. A right hon. gent. had, on a former night, supposed a case of the Regent being advised to overturn the whole policy of the state; but he would suppose a case not less urgent in rendering the immediate supply of the executive functions necessary. Suppose the cabinet had resolved to evacuate Portugal, against the opinion of lord Wellington, would that general, having the declaration of both Houses as to the incapacity of the King before him, feel bound to obey an order from the Secretary of State to withdraw the British army from the peninsula? Could he, for disobeying it, be punished by any court-martial or civil court?—He concurred in the opinion of lord Camden in 1788, that during the King's incapacity, the functions of the executive government were suspended. But if there were no other argument in favour of the Address than that, the House ought to take care not to usurp the executive power. The soundest principle of the constitution was, that which kept the executive and legislative powers distinct. If the House could now provide for giving the royal assent to a Bill, they might do so, on another occasion, where the same necessity may not exist. He did not mean to say that the Houses of Parliament should decide in this instance from any contemplation of any future evil, which might result from the precedent; but when two courses presented themselves, they ought to adopt that which was plainest and least objectionable. He had a respect for the precedent of 1788, but that had not been acted upon, whereas the precedent of the Revolution had been tried, and had stood the test of time. On all these grounds he should prefer the mode of proceeding by Address.

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* Sir William Williams. See Cobbett's Parliamentary History, vol. 5, pp. 42, &c.

Mr. *Wilberforce,* upon the fullest consideration he could give the question, remained of the same opinion as formerly. He could not but consider it rather strange, that those hon. gentlemen, who were so sanguine in discovering objections to the course recommended by his right hon. friend (the Chancellor of the Exchequer) should speak of their own plans in general terms, without adverting to any of the objections to which they were, too, liable. For himself, he thought that the House had only a choice of difficulties, and that no plan that could be proposed would be free from objections. The House was in this instance transcending the line which ought, in ordinary times, to bound their proceedings. He would grant, that they were substantively about to usurp a part of the executive power: but the necessity in the present situation of the country, of providing for its safety, by supplying the deficiency of the executive power, obliged them to resort to a course certainly objectionable, and he would add anomalous, if it were not consistent with the course of proceedings adopted in the courts of law, in cases concerning the right and security of landed property. But it was contended, that they ought to proceed in a clear and simple manner, by appointing a Regent at once in a bold and manly way. If they should take that course, however, the Regent, accepting the Address with conditions, would have no more authority than the two Houses of Parliament would give him. Would such a course satisfy the constitutional line that should bound their proceedings? So far from doing the thing in a manly way, it would be, in truth, at the time they pretended to give the royal authority, to impose conditions upon the Regent in an irregular manner. The hon. member said he would own that any course would not be free from objections; but in the mode proposed by his right hon. friend they would be treading in the footsteps of the constitution. When he considered the acuteness of those gentlemen who recommended the mode of Address, he could not help calling to mind what had taken place, in the former case in 1788, though unquestionably the discussion had in this instance been hitherto conducted with a very different temper. Yet he could not but bring to mind, that the discussions had on that occasion grown out of a claim of right. It was the more necessary, therefore, though the right was not now claimed, to follow the former precedent, lest a departure from it, in this instance, might lead to an assertion of the right again on the part of some future Prince of Wales, if the same calamitous incapacity should unfortunately befal a future sovereign. The true value of the precedent was, that it would finally settle the question; and if they were to depart from it, there was no saying what difficulties and ill consequences might follow. It was of great importance for them to pursue a course which was defined and settled. It was the glory of the constitution of this country, that they were there debating in bloodless contest those questions which in former times were decided by armies in the field, and deluged the country with blood. The confirmation of the former precedent, by adopting it now, would put an end to any future contests. They ought therefore to abstain from opening on this occasion, a question which, in the former instance, had been so completely settled upon due and full deliberation. He did not feel attached to the former precedent on the same grounds as his hon. and learned friend (Mr. Stephen,) who, from his legal habits might be induced to adhere to it as a point solemnly determined, but from a consideration of its tendency to promote the security of the constitution and the happiness of the people. He thought, that in the course of the debate last night gentlemen had argued too much from the present circumstances of the royal family, rather than from the principles which ought to guide the conduct of the House of Commons upon so momentous a question. It was to the eternal honour of the Prince of Wales, that his royal highness, and indeed every member of the royal family, seemed by their conduct to consider every thing in this country as the child and creature of the laws; and that whatever his sentiments might be upon the subject, his royal highness was waiting with dignity for the decision of the two Houses of Parliament; a line of conduct, than which nothing could be more constitutional, nor hold out a fairer prospect of what was to be expected under his future government, but however, the House ought not to advert to such points, they should act upon great public principles. If they were to adopt any course, which might lead to the re-assertion of the right, there was no knowing into what future dangers it might plunge the country. They must therefore bear in mind, that on this occasion they were legislating for all successive generations. It was consequently the more incumbent upon them to settle finally a question, which, if left open, might be attended hereafter with the most alarming consequences. As to the particular restrictions proposed by his right hon. friend, he should not think it right to give a hasty opinion, but should reserve what he had to say respecting the subordinate parts of the measure, till it should be actually before the House. If he understood his right hon. friend right, he did not appear to insist upon those subordinate parts, so as to preclude any modification of them, in degree if not in substance. As to what had been said respecting the delay which had taken place, he should only observe, that when future historians should record the whole transaction for posterity, it would be the highest honour to the present times, and the great glory of the British constitution, that the two Houses of Parliament were quietly settling questions, which under other systems of government, and in different times, would have been decided by violence and blood-shed. Gentlemen did not seem to bear in mind, that the system about to be adopted was only a temporary system; and he remembered that that was a great ground of the argument of the much lamented statesman, (Mr. Pitt) when he established the precedent of 1788, and in which he displayed his great talents, perhaps it might be said in a higher degree than on any other occasion. If gentlemen opposite did but consider the difficulties of that great man's situation, he was confident, that even they would bear testimony, and pay a willing tribute to the talents, the disinterestedness, and integrity he displayed at the period he alluded to. The House had now to act upon similar principles, and to carry on the executive power, without lessening the authority of the King, when he should resume the reins of government. In his opinion, the House had reason to felicitate themselves, that if they adhered in the present instance to the precedent established, they would find it as it were a polar star, that would direct them, whatever might be the darkness of the night or the storms of the sea.

Mr. *Stewart* said, that he should support the proceeding by way of Address. He had approved of that mode of proceeding in the year 1789, in the Irish House of Parliament, and he had done so from attachment to the King and to the House of Brunswick.

Mr. *Grattan* rose to say a few words on the question before the Committee, and to state briefly the grounds of the vote which he meant to give. The first consideration that presented itself to the mind on this occasion, was, that all the operations of the constitution were suspended by the unhappy calamity that had fallen upon the King. The functions of the royal authority thus suspended temporarily, it followed of course that the two Houses of Parliament should take measures for supplying the deficiency. To the two Houses of Parliament, and to no other body of men in the nation, belonged the right and the power to supply the defect of the royal functions and to make the constitution whole. If that right and that power could belong to any other class of the subjects of this realm, there would be at once an end to the constitution; if they were to devolve upon the society at large, the nation would be reduced to the state of primeval anarchy. The two Houses of Parliament, therefore, one representing the nation by hereditary right—the other by delegated authority, alone have the right and the power to provide for the safety of that community they so represent, upon such an emergency. Their obligation was founded upon the comprehensive political maxim, *salus populi suprema lex.* That the community had the right to provide for its own safety could not be questioned in cases of extremity; but in all cases short of extreme necessity, the two constitutional bodies of representatives of the nation were bound to act upon that general maxim for the salvation of the whole community. Of the right, then, there was no question. The manner of exercising the right was next to be considered. It was obvious, that the two Houses, failing the principal member of the constitution, could have no constitutional power of legislation. The first step then to be taken, was to put themselves in a capacity to legislate by the creation of a third estate, by repairing the defective state of the constitution, by restoring to full vigour the functions of that member which were at present unfortunately suspended, by making the legislature whole. This would not be an act of legislation, for, to such an act, the two Houses were not competent; but an act of power authorised by the general right of the community to provide for its security. In the first place, then, they had a power, qualified by necessity, for supplying the incapacity of the King, supported by the right of the community to preserve the constitution; and, in the next place, they would have an act of parliament sanctioned by the whole constitution. This was the fair state of the case, and the course to be pursued for the attainment of the desired object, was fully borne out and warranted by the best precedent in history; the precedent of the Revolution. Yet it had been argued that, as precedent only provided for an actual vacancy of the throne, it did not strictly apply to the present case, which was to provide for supplying the incapacity of an existing sovereign. This was a fallacy, because the precedent, which would be applicable to the greater, could not be inapplicable to the lesser necessity. The principle was the same in both; to supply some deficiency of the third branch of the constitution, and whatever may be the difference of degree, there could be no doubt of the equal application of the same principle to both cases. Besides, it should not be forgotten, that the precedent of the Revolution had been acted upon, had been tried, had stood the test of time, had been cheerfully submitted to by the people, and was devoutly looked up to as the great and permanent foundation of the rights and liberties of the nation. How stood the other precedent, which had been so much relied upon, that of 1788, in this respect? It was incomplete. The measure had passed that House it was true; but it was no less true that it had not completed its progress in the other House, still more that it had not received the sanction of the third branch of the legislature; but, above all, that it had never been acted upon, nor consequently submitted to by the people. If that and the other House were to direct the King's officer to apply the King's Seal to a public instrument, it would be an act of power; so also would it be an act of power, if they were to appoint a Regent. But the difference would be this, in the latter case they would only exercise a power derived from general right, and qualified by the necessity of the case; in the former, they would usurp a power with which they could have no constitutional right to interfere. What power could the two Houses of Parliament have over the servants of the King? Could they enforce obedience to their commands? Had they the power to punish the King's officers for disobeying their orders? They had no such power, and to attempt to exercise it would be to assume the functions of the executive government, to overstep the bounds of their own constitutional powers, to make themselves, as it were, the inheritors of the personal functions of the sovereign, in every case of temporary incompetence, and thereby to overthrow the just equilibrium of the British constitution. Why then, he would ask, should the two

Houses of Parliament assume the powers of the King, whose incapacity they had already declared? If an act should pass, having the royal assent given to it, in consequence of the usurpation, it would be a self-convicted act of parliament. He should object to such a measure on two grounds, because it would be an unconstitutional exercise of the political power of the King, and because it would be to assume to two branches only the authority of the supreme legislature of the nation without even the semblance of the sanction of the King. Suppose the two Houses were to issue orders to the commander in chief to prepare for a particular expedition, could they expect that he would yield obedience to such orders? Could they punish him for disobedience? Suppose again that they were to command the treasury to make a certain disbursement of the public money, could they inforce obedience to their orders? If they could not then, what sort of an executive power must that be which cannot command the officers of the crown? What sort of a legislative power must that be which cannot enforce the obedience of the subject? Could the two Houses impose a tax and punish a resistance to the levy of it? Would the loss of life during such resistance be found murder by a jury? With respect to the distinction between the political and personal character of the sovereign, that was a distinction which ought ever to be made with great caution. It was well known that when the Long Parliament overturned the constitutional monarchy, they made use of the political character of the King, in support of their pretensions, though the King's personal character was in the ranks against them. As to limitations upon the powers to be exercised by the Regent, he should never consent to take away from him any of the powers belonging to the kingly office. He should acquiesce in the decision, but should vote for the proceeding by Address.

Mr. *Yorke* said, that the question now before the House was nothing more, than whether the better mode of supplying the defect of the personal exercise of the Royal Authority was by Bill or by way of Address. The arguments which he had heard, defining the duties and powers of that House, were just, but would not apply to a case of urgent necessity. The House was now deliberating what ought to be done to provide for the calamity that had fallen upon the nation. There was little or no resemblance between the circumstances that attended the Revolution and those of the present emergency.—The throne was then vacant, now it was full: we had a King labouring under temporary incapacity, but at that time a King was wanted. Precedents, in his opinion, ought always to be followed, except when the circumstances of the times presented some striking peculiarities of contrast. On such an occasion, the right hon. gent. said, he would not look to the letter of the law, but would trace out the spirit of the constitution, in the Records and Proceedings of Parliament. In the space of twenty-two years, which had elapsed since the year 1788, the precedent established at that period had remained uncontroverted. It had not been contradicted or rescinded. But it did not stand upon its own single authority; it was founded on the proceedings, at the two periods in the reign of Henry the Sixth; both of which appeared to him to be strictly in point. If, as at that time, it should again happen that the crown devolved to an infant, and the infant was not placed by any expression of the will of the deceased Sovereign in any particular guardianship, would not the course which was then pursued be again adopted? Would any difficulty be then interposed to putting the Great Seal to a commission? Would not this be an act which it would be imperative on the privy council to perform? The difference between incapacity arising from infancy, and that produced by indisposition, was immaterial, but a case of indisposition occurred also in that reign, when the same power was used in the same manner. This was previous to the civil war, which had not then commenced, as was proved, by the circumstance of the courts of justice sitting uninterrupted. He could not, therefore, perceive the force of those objections which had been raised against the supposed assumption of an unconstitutional power.

Sir *John Newport* observed, that the right hon. gent. who had just sat down, had well remarked, that precedents, to be in point, should be applicable to times and circumstances. With respect to the precedent of 1788, he was rather surprized that an hon. and learned gent. (Mr. Stephen) who had condescended to represent an Irish Borough, should have entirely overlooked, in his predilection for the precedent of 1788-9, the conduct of the Irish Parliament at that period. But of those who with so much tenacity adhered to the precedent of 1788, he would wish to ask, were we now in the same situation as at that period? Then, we were at peace and tranquillity with the world; were we so now? Then, the colossal power of France had not overshadowed the continent of Europe; was that the case now? Then, the people of this country were not overburdened and borne down by the weight of taxation; was it so now? No: for the taxes and the burthens of the country had doubled during that period. Then, the King was twenty-two years younger, and had not encountered that affliction, by which, as was most feelingly expressed, by one suffering under a similar privation, knowledge was "at one entrance quite shut out." The argument he wished to deduce from this dissimilarity was, that the reasons which operated on the Irish Parliament at that time, and induced them to come to the decision they did come to, now applied with tenfold force to their deliberations. Every thing conspired to inculcate the absolute necessity of a speedy and complete filling up of the executive. If ever there was a moment, however, when delay was to be guarded against as pregnant with the most serious dangers, the present was that moment. In what situation did we stand with respect to Sweden? Had not that power declared war against us, and had we resorted to any measures in consequence? Was it not true that Swedish ships which had been detained, had been released since the declaration of war against us? What, too, was the state of our relations with America? We were in conditional hostility with her; and to the rash and ill-advised counsels of ministers was it owing, that, to avoid an open rupture, we must compulsorily yield those concessions which ought to have been made long ago. Our merchants, who had been deluded by the measures and promises of the right hon. gent. he believed had since seen ample cause for regretting their infatuation.—These and other difficulties, into which, by the suspension of the royal functions, we were plunged, the right hon. baronet conceived were sufficient arguments for dispatch, and gave additional force to the observation which had been made upon the mode of proceeding proposed by the right hon. the Chancellor of the Exchequer, that the proceeding by Bill was at any time a bad course, but at the present disastrous moment the worst of all. The right hon. gent. who spoke last, had placed much reliance on the precedent of the time of Henry VI. when he argued, that because the courts were sitting at that period, there were no disturbances, but all was peace, quiet, and tranquillity. Had there, then, been no rebellion in Ireland in our times? for the Irish courts of law continued to sit, and not only that, but the judges went on their circuits and assizes as regularly as ever. The right hon. gent.'s criterion, then, of tranquillity was not a just one. But, what was the duty, that they, as the representatives of the people, were now called on to perform? It was to execute the trust reposed in them, and provide for the security of the people. This was their first, their greatest duty; and with as high a respect for the Sovereign as any man in that House, or the country, could feel, he must say, that of late years they had been less accustomed to consider the Sovereign as what he really was, the Sovereign of the constitution, than as the Sovereign in being, to whose person they were attached. He earnestly recommended to the House, in this important argument, to look at the Sovereign in the former light, which would be better and more constitutional, than to suffer his name to be brought in to influence their debates, and warp or bias their judgments. In older, and, he might add, better times, this practice was held to be a high breach of privilege; but now, as on the present occasion, it had been done by an hon. and learned gent. the personal afflictions of the monarch were introduced with impunity into their discussions. He reverenced as much as man could, the virtues of his Sovereign, and felt for his calamities, but he peremptorily denied to gentlemen of the other side, that exclusive claim to loyalty which they seemed to assert, merely from their repeated lamentations and expressions of feeling for the personal sufferings and misfortunes of their Sovereign. He felt as much as the gentlemen opposite could possibly feel; but he thought it unnecessary and disgusting to make so great a parade of it. Yet, with all their professions of attachment to the throne, what was their language? Why, it was a libel upon monarchy; as the restrictions which they would impose on the Regent, were calculated to afford a practical proof of the doctrine, that the monarchical power might exist deprived of a part of the regal functions. It had been said, that to proceed by Address might be as tedious as to proceed by Bill; and an hon. and learned gent. (Mr. Stephen) had stated, that the Address of 1789 in the Irish Parliament had occupied fifteen days. He advised that hon. gent. to make himself better acquainted with Irish history before he ventured upon such statements. The fact was, that the intimation of his Majesty's illness was made to the Irish Parliament on the 2nd of February, when they adjourned over for four days. They then met, and the business was concluded so speedily, that on the 11th the Address was completed and carried up to the Lord Lieutenant. But here, how different was the case! They had already been seven weeks acquainted with the melancholy incapacity of the Sovereign, during which the interests of the country had undeniably and most materially suffered: they had been seven weeks waiting, and for what purpose? why, to see if the ministers could find money enough to support them against any events that might occur.—If Parliament had contemplated these dangers and difficulties before, they might long since have made provision for obviating the evil effects arising from a recurrence of situations similarly disastrous. For his part, now it was come upon them, he preferred the most speedy remedy. It was acknowledged, that they were competent to proceed by either of the modes pointed out; and if so, he was decidedly in favour of that which was most prompt; which, looking at the present state of Europe, he thought it could not for an instant be doubted was indubitably the best. As a member, for a portion of that country which he had the honour to represent, it appeared to him to be peculiarly his duty to press for expedition in this important crisis. Their vigilance with regard to that country ought to be extreme; for Ireland stood in the front of the battle; and if it was to be fought at all (which God forbid it should be!) it was upon her shores that the contest must be decided. Yet though the most exposed, she was the least protected part of the United Kingdom. As one of the representatives of that country, he would now take upon him to say, that if any part of the United Empire looked with more anxiety than another to the royal personage on whom, at this moment, all eyes were fixed, it was Ireland. Ireland viewed him with the most favourable sentiments; for a considerable time past there had existed a mutual interchange of affection between the Prince of Wales and Ireland, and between Ireland and the Prince of Wales. He could, indeed, conscientiously declare, that the influence of that royal personage would do more in the way of restoring tranquillity to Ireland than could be accomplished by any other man living. A conciliatory word from him would do more in Ireland than the efforts of any man, or the united efforts of any set of men in the empire. He reigned already in the hearts of Irishmen, who looked up to him as likely to afford them that protection, which they had hitherto enjoyed in a less degree than any other description of his Majesty's subjects.—An hon. and learned gentleman (Mr. Stephen) had, indeed, told them, that if they (the Opposition) did not debate the Bill, it would be equally expeditious with an Address. But this was requiring of them to surrender their deliberative capacity as the price of expedition, and to adopt at once such a measure as the framer of the Bill might desire: but he, for one, would never consent, after seven weeks wasted in useless inactivity, to wave the right of animadversion, even for the desirable object of attaining promptitude and dispatch.

Mr. *Elliot* said he should feel it necessary to make only a very short trespass on the time of the House. The question appeared to him to lie within a narrow compass, though he knew it had, on a former occasion, given rise to very large and protracted discussions, and was certainly capable of being made the source of almost infinite subtleties, and refinements, and metaphysical distinctions. He did not profess to be expert in the exercise of such weapons, and even, if he were more conversant with the use of them, he should carefully abstain from it in the present instance, as there never was a subject which it was so desirable to take out of the intricacies in which it had been involved. The exigency, in which the country was now unhappily placed, was one against which it was admitted, the law had not guarded by any specific provisions. It might be properly stated to be a *casus omissus* in our constitution. In this predicament, it was natural to have recourse to precedents, and the right hon. gent. (the Chancellor of the Exchequer) had relied on the proceedings in the year 1788. He, Mr. Elliot, was not in parliament at that period, but he had heard many of the debates, and was in habits of close intimacy and friendship with several of the persons, who took a prominent share in those discussions. He then certainly had very strong impressions in favour of the proceeding by Address, and on a recent cool and deliberate review of the parliamentary history of that period, he confessed his first opinion remained not only unchanged, but strengthened and confirmed. He begged those who cited the example of 1788, as the authoritative guide of the House on the present occasion, to recollect that the transaction was never completed, that in England the Houses of Lords and Commons were much divided in it; that, though there were very distinguished abilities on both sides of the question, yet of the most eminent authorities the majority, in point of number, were against the proceeding by Bill, and that in Ireland two of the branches of the legislature rejected it. Under such circumstances, was any one justified in asserting that this precedent was to be considered as coercive on the judgment of the House in the existing emergency? For his own part, he had no hesitation in declaring, that he wished to see that precedent wholly subverted, because he considered it as utterly incompatible with the safety of that branch of the constitution, the interests and security of which the right hon. gent. (the Chancellor of the Exchequer) professed himself so zealous to guard and to maintain. Another right hon. gent. (Mr. Yorke) had cited precedents taken from very early periods of our history. Those precedents had been adduced in the year 1788, and very opposite inferences drawn from them. By some they were used as arguments for proceeding by Address; by others they were considered as strongly countenancing the mode which was now proposed to the adoption of the House, by the rt. hon. gent. For his own part, though he thought the weight of some of them preponderated on the side of the course for which he felt so decided a preference, he could not bring himself to lay much stress on the transactions of times so obscure and variable, and, if he might be permitted to use the expression, so polluted by civil intrigues and dissensions. He had no scruple in declaring that they afforded to his mind, a very feeble, and precarious light; but there was a light, which appeared to his eye to burn with clear and steady flame, and which he believed to be sufficient to lead the House out of all the difficulties and embarrassments of the subject, if they would take it for their guide; he meant the general analogy and genuine spirit of the constitution. The gentlemen on the other side of the House founded all their arguments on the position that the throne was full, alluding, he presumed, to that maxim in our constitution, which ascribes immortality to the king, and which meant that there could be no intermission in the executive authority. The hand of Providence, however, which overwhelms all human definitions and all human provisions, had actually afflicted the country with such an intermission, and the House had declared it to be its right and duty to supply the deficiency. The question, therefore, was by what means this object could be best and most constitutionally accomplished. The mode proposed by his right hon. friend (Mr. Ponsonby) was plain, short, direct, and had been found effectual in one of the most momentous periods of our history. If it had in 1688 proved adequate to the establishment of the throne, and the preservation of the rights and liberties of the people, why should it not be equally efficacious in the present exigency? The measure which had been submitted to the House by the right hon. gent. (Mr. Perceval) was operose, dilatory, and fictitious. It was admitted that the Houses of Lords and Commons could not legislate, (indeed to assert they could was treasonable), but the right hon. gent. proposed that they should pass a Bill for the appointment of a Regent, to which the Lord Chancellor, on their requisition, was to put the Great Seal; and this process was to go to the country, as the Act of the Lords Spiritual and Temporal and Commons of the Realm, with the assent of the King, although the two Houses of Parliament knew and had declared the King to be incapable of giving his assent. A fallacy, which did not, in his eyes, recommend or dignify the proceeding. For the sake of illustration, he would suppose that three members of that House, were appointed to a trust, every act of which should require the *bonâ fide* concurrence of the three trustees, under their separate seals, and that one of the three falling into a state of incapacity, the remaining two should prevail upon the agent of the incapacitated person to affix his principal's seal, to an instrument of the trust, and that they should declare such an instrument to be the *bonâ fide* act of the three trustees. In the House of Commons, he presumed, from the sentiments he had heard, the learned gentlemen opposite would describe the proceeding as an admirable legal device, a venerable fiction of law, but he should like to know how they would treat such a transaction if they met it at the Old Bailey. There, he apprehended, it would find a less courteous reception, and incur the risk of being branded with the opprobrious epithets of fraud and forgery. The right hon. gent. (Mr. Perceval) had talked of the commands of the two Houses being laid on the Lord Chancellor, this was very royal language, and certainly very suitable to the act of regality which they proposed to perform: but was it clear that they had power to enforce their commands? He did not mean to attribute to the noble and learned lord who at present had the custody of the Great Seal, an intention of throwing any obstacle in their way, but they were to consider that they were establishing precedents for succeeding times, and their posterity might have to encounter chancellors of a less accommodating character. If, for instance, a stern and sturdy lord chancellor, on receiving such a communication, should return for answer, "I am the officer of the King my "master; the Seal I hold is his Seal, and "I neither can, nor will, affix it to any "instrument, (especially to one, which "may prove detrimental to the interests "of his crown) without his consent and "approbation, and I know him to be inca"pable of giving his consent or convey"ing his command. I am the Chancel"lor of the King, and not the Chancellor "either of the Lords or of the Commons. "The Lords and Commons have no right "to legislate, and those, who assert they "have, incur the penalties of a præ"munire." What would be the right hon. gent.'s counsel in such a case? Would he advise that the Houses should take the Seal from the Chancellor, and order another person to affix it? Such a proceeding would in fact be the appointment of a new Chancellor, and gentlemen would therefore perceive to what the precedent led, and how their regal character would grow upon them. If it were admitted that they could not nominate a new Chancellor, then the efficacy of the measure was dependent on the discretion of an individual, and he desired no more convincing testimony of the error and futility of the mode which it had been proposed to them to adopt. On the subject of restrictions, he should say only a few words, because other more proper occasions would occur for discussing them. Those, who were most forward to assert the right of limiting the powers of the Regent, would not deny that it was a matter entirely of discretion, and therefore must be considered with a reference to times and circumstances. There was, he believed, no man, who did not feel the contrast between the present crisis and the period of 1788, when the country was in profound peace; when there were no commercial or financial difficulties, and when the fortune of the empire was not hanging on the result of the impending operations of contending armies. In this awful and momentous exigency he was convinced there could be but one sentiment, respecting the necessity of a strong, vigorous, and efficacious executive authority.—He should trouble the House no further, but he could not conclude, without once more deprecating the course which the right hon. gent. had recommended to the House. If it should be established as a precedent, and the nation should hereafter be visited by the recurrence of such calamities as that with which it was now afflicted: he saw little prospect of security for the constitution. The safety of the constitution depended on the check and controul which one branch of the legislature had over the other. That House had its own particular privileges; the House of Lords had privileges of its own; and the King was invested with prerogatives to protect the executive authority from the encroachment of either of the other members of the legislature. He possessed the power of creating peers, for instance, to enable him to resist the cabals in the House of Lords, and the prerogative of dissolution to defend him from factions in the House of Commons. But the tendency of the measures under consideration, was wholly to overthrow all the salutary balances and counterpoises of the state. The history of the country afforded examples of very encroaching parliaments. Future times might furnish more such instances; and if, during a suspension of the faculties of the crown, the two Houses assumed an unmodified right to elect a Regent, and an unqualified power of limiting his authority, they might so cripple his functions as to render him incapable of defending the just prerogatives of the crown against the subsequent invasions of an aspiring parliament, and an infirm sovereign might awake from his trance, to witness only the mutilated and mouldering remains of his throne. With regard to the question, the second Resolution, which was more immediately before the House, he had merely to observe that it was impossible for him to concur in it, in the terms in which it was formed. It had always appeared to him perfectly superfluous, and therefore if he should be in the House at the time of the division, he should vote for disposing of it by the previous question.

Mr. *Addington* said, that he had risen at the same time as the last speaker, under the impression of an irresistible impulse to notice some of the observations made by the member who had immediately preceded him. The right hon. bart. (sir John Newport) had begun by stating the difference between the present period and the year 1788; that we were then in a state of profound peace, and now in a state of ruinous war; that our taxes and the burthens of the country were at the former period not one half what they were at present; and from such a change of circumstances had argued, that a measure of such a description as that now discussing, might have been proper then, but was, on account of that difference, improper now. This very mode of argument confirmed him in the propriety and necessity of adhering to that precedent then laid down: a precedent which he for one would not venture to unseal; as by that means a door would be opened to posterity, for whom we were legislating no less than for ourselves, to measure their conduct and regulate their proceedings, on similar emergencies, by every change of circumstances; which would be attended with no less danger than embarrassment. The worthy bart. had noticed, that since the year 1788, his Majesty's age had encreased 22 years, but had not pointed that remark so as to make the object of it quite intelligible. It, however, produced one natural observation from him, viz. that such an increase had given the worthy bart. and the rest of the community 22 years more experience of the blessings of his Majesty's mild and paternal reign, and so far cause for accumulated attachment and gratitude. But if it was meant to apply at all to the question before them, he would beg to remind the House, that it was unanimously the opinion of the physicians, that such encreased age did not at all diminish the prospect of his Majesty's recovery. The worthy bart. had also commented with severity on the pathetic description of the effect produced on his Majesty's mind from the Princess's illness, by an hon. and learned gent. who had spoken early in the debate (Mr. Stephen.) Mr. A. thought that address to the feelings of the House perfectly legitimate, because it was necessarily connected with the important testimony of all the physicians, that such was the real assignable cause of his Majesty's illness, quite demonstrated by sir H. Halford; and that there were on that account better hopes of course.—The right hon. gent. who had immediately preceded him, had manfully declared, that he preferred the course by Address, because it would be repealing the precedent of 1788. At that period he had been in parliament; and having supported that measure, was partly responsible for it. He had been present at all the debates; had heard all the arguments in support of it; and amongst the rest, those of a noble person, (lord Grenville) then Speaker of that House, which were unanswered, and, he believed, unanswerable. But, though he had then so voted, it was not for the sake of consistency only, but from conviction, confirmed by reflection, that he should vote for similar proceedings now, as being the most wise and the most constitutional. If it was possible to suppose that, from so great a calamity, any one advantage would arise, it was this—that it afforded the occasion, in times of comparative quiet, and under the auspices of the greatest talents that this country had ever witnessed, to establish the precedent which we were now called on to abandon, and which was to be the guide and beacon to future generations, under similar emergency. His right hon. friend, the Chancellor of the Exchequer, had been last night taunted for having relied exclusively on this precedent; a taunt to which he should also expose himself, thinking a reference to preceding ones unnecessary. In fact, none of them were in point; those of Henry 6th were the nearest; that of the Revolution (of which he had heard so much) hardly at all. The only point of resemblance between that and the present was, that then, on account of a great emergency, the two Houses were obliged to act for themselves. The throne was then vacant; it was now full, and the King's political capacity entire. He had sincere deference for the opinions of many gentlemen on his side of the House, and they would have at least as much for that which he was about to quote; it was of no less a person than Mr. Fox himself, whose brilliant career at their head was fresh in their memories, and who had, in a memorable speech in 1789, declared, that the case of the Revolution had no resemblance whatever to that then discussing. This he (Mr. A.) had heard expressed, and his own recollection was confirmed by existing reports, which any one might refer to. Mr. Addington said, there were two points never to be lost sight of in this discussion :—One, that the object of our proceedings was professedly temporary; the other, that the illustrious individual proposed to supply the present deficiency, was to be no more than a deputy; a substitute, a delegate, a trustee. For his own part, he could gladly (gladly was not a proper term on so afflicting an occasion); he would readily and confidently consent to devolve that trust on his royal highness the Prince of Wales, as on all accounts the most proper person for it. If a Regency was in itself an evil, which no one would deny, that evil would happily be greatly qualified by a consideration of the great and amiable qualities of the illustrious person who would have to execute its duties. If prudence should suggest the propriety of any guards being put on this authority, to be so given for a short time, it did not, it could not, proceed from any doubt or jealousy of the individual. But, let our confidence be what it may, we were not to act on personal confidence, but on public principles.— He would say but little on the subject of the proposed restrictions, as other and fitter opportunities would occur of discussing them. But gentlemen ought to bear in their minds what all might not know, that there was not one solitary instance in the annals of Great Britain, of an individual being appointed Regent without limitations of some sort—not one. It was true that full executive power had been given to Regents, who had been saddled with a permanent Council; but that might be considered as a sort of constant restriction, arising from the possible opposition of a majority of that Council to any of the Regent's measures, and was therefore infinitely more objectionable even to him. Here the few limitations were proposed to be defined by Act of Parliament. These two modes of proceeding had been weighed by the great man at the head of affairs, in 1788, and he had wisely and disinterestedly preferred the former.— Mr. Addington would trouble the House no further on a subject that had been so abundantly discussed, though there were many other topics that pressed on his mind at that moment, and which he would reserve for some subsequent occasion.

Lord *Porchester* stated that it had not been his intention to say a single word upon the second Resolution; but as it had been brought under the consideration of the House, he would take that opportunity of briefly stating his sentiments upon it. To that Resolution, in substance, he gave his most cordial assent: He believed both Houses qualified and constitutionally entitled to supply any defect in the personal exercise of the royal authority; for if such a principle did not exist in the constitution, the whole system must perish. An hon. baronet (sir Francis Burdett) had asked upon this subject, why the House did not appeal to their constituents? Why they did not apply to corporate bodies? But, he would ask, Were they to apply to corporate bodies, who were continually telling them that they were not the real representatives of the people? Why should not that House exercise their right as a Convention, and in one substantive act, emanating from themselves, proceed to fill up the deficiency. This was to proceed to an act entirely their own. But if the House proceeded by themselves to affix the Great Seal to any act, they would soon begin to consider all the other acts of the executive in the same light. It had been said, that there was no magic in a Seal; true, but one proceeding paved the way to another, and no man could possiby foresee where all this would terminate. They had been forced to look to the precedent of the Revolution. That was the precedent to which the King owed his throne, and the people their liberties.—The noble lord then proceeded to combat the arguments adduced, on a former evening, by the right hon. the Chancellor of the Exchequer, and contended that the analogy, in point of principle, was exactly the same now as at the period of the Revolution; that on that occasion the functions of royalty were extinct; so now it was requisite to provide for the absence of the exercise of those functions which the unfortunate malady of the sovereign had ocasioned. He denied that the Opposition in 1788 was, as the right hon. gent. had asserted, the disgraceful offspring of party fury. The ground of objection which the right hon. gent. made to the precedent of the parliament of Ireland, for an Address to his royal highness, was, he believed, for these reasons, that they would not adopt the line of proceeding of the Irish Parliament, because that parliament would not do homage to the measure of Mr. Pitt. Was there any proof, he would ask, that the King, on his recovery, condemned or disapproved of the conduct of the Irish Parliament? Were the proceedings rescinded? Certainly not. It was fair, therefore, to conclude that such disapproval was not manifested. He contended, therefore, most strenuously for the necessity of proceeding by way of Address.

Mr. *Lockhart* stated, that there were three precedents; first, that in the reign of Charles the Second, at the period, commonly called the Restoration; second, that of the Revolution in 1688, which could not bear on the present case, because there was not then, in point of fact, any monarch; and third, the precedent of 1788. The throne being now full, the present case could not be said to apply in point to the precedent at the Revolution. To comply with that precedent would, in his opinion, be a derilection of the duty, which, as Representatives of the people, they owed to their constituents. He should therefore support the mode of proceeding by Bill.

The *Chancellor of the Exchequer* rose to reply, and addressed the House as follows;

Sir; It is not my intention, at this late hour, to trouble the House at any length. With the turn which the debate has taken, and with the manner in which it has been conducted, I am perfectly satisfied. I wish, however, to explain myself, on account of the noble lord who spoke last but one, having addressed himself to me for a definition of the law and the right in the present instance. In answer to the noble lord's question, I tell him that the law is the necessity. The hon. baronet opposite (sir F. Burdett) denies, however, that there is any necessity. A charge also has been made against me, that I have left out of consideration all precedent but the precedent of 1788. This is not the fact. What I did state was, that in 1788 the House had all the precedents before them, and had come to a conclusion; and that by entering into them again, no new light would be thrown upon the subject. The precedent of the Revolution would be a proper one for a similar case, which I deny the present to be. I am surprised at the argument of the hon. gentlemen opposite, that the mode proposed by me, is illegal, and that the one which they contend for is not so; because, if one be illegal, the other must be so likewise. It has also been said that if the two Houses of Parliament should pass a Bill, the Lord Chancellor might refuse to affix the Great Seal to it. True; but upon the same principle, the Lord Chancellor might refuse to affix or to resign the Great Seal upon an Address of the two Houses of Parliament. I do not mean to say that the Lord Chancellor would refuse to obey the pleasure of the two Houses, whether expressed by Bill or by Address, but only that the probability is the same in both cases.

I never contended, nor has it been urged by any hon. member who has supported the Resolutions, that the mode of proceeding which has been adopted, is free from objection or from difficulties. On the contrary, I have admitted them in the fullest extent, and have justified them upon the only ground on which they were to be justified, namely, the imperious necessity of the case. And here I cannot but express my astonishment, that the hon. gentlemen opposite to me, with that acuteness which they so eminently possess, should have objected to the plan which I have had the honour to propose to the House, on the ground of illegality or informality; seeing that every one of those objections apply, with equal if not greater force, to the mode which they are anxious to adopt. The hon. gentlemen opposite to me have, in speaking of the means of obtaining the Sign Manual, made use of the words fraud, fiction, and many other hard terms; but I should be glad to ask these hon. gentlemen, whether, if their plan of proceeding by way of Address were adopted, the same objections would not lie, and whether the same language might not be used? Suppose both Houses of Parliament should agree to address his royal highness the Prince of Wales, to take upon himself the office of Regent; I desire, speaking in legal strictness, to know how the Great Seal could be used in a manner less objectionable than by the mode I have proposed? The Regent would order the Chancellor to apply the Great Seal; but the Great Seal can only be applied by an order under the sign manual. How, then, would the Regent give the order to the Chancellor? I wish the hon. gentlemen opposite would answer that question; but really, if I may judge from their manner, I should think they have not made up their minds upon the subject. Would the Regent, so appointed, communicate the order under his own signature? If he did, I should be glad to know if their plan is not liable to exactly the same objection as mine. In both cases, the Sign Manual would be wanting. Would the Regent issue the order, affixing the King's signature? If he did, would the hon. gentlemen contend, speaking in legal strictness, that that was the Sign Manual? But a right hon. gent. opposite to me (Mr. Ponsonby) has quoted, for another purpose, an act passed in the reign of Henry the eighth, which makes it high treason to forge the King's Sign Manual. I beg, therefore, the House will consider the difficulties that would follow from the adoption of the plan suggested by the gentlemen opposite to me. If the Regent issued the order for the use of the Great Seal, under his own signature, then the Sign Manual would be wanting just as much as it would be by the mode I propose. If the Regent affixed the King's signature, then the statute of Henry the eighth would apply. So that the only difference between the plan of the gentlemen on the other side and mine is, that they would recommend that the first act of the Regent should be an act of High Treason! I know very well that in such a case, parliament would afterwards pass an act to sanction the measure. I am only contending, that, in legal strictness, their plan is quite as objectionable as mine, and that all which gentlemen have said about fraud and fiction, apply quite as strongly to the mode which they recommend as it can do to the other.

But I beg gentlemen to recollect, that there are many very grave and important occasions in which the Sign Manual is necessary, as well as the one to which we have been alluding. Suppose we were to proceed by way of Address, and the Regent was called upon to put the Sign Manual to a commission for holding a court martial; suppose the person accused, convicted, and sentenced to die, and a question put to the Judges whether the commission under which he was tried, not being signed by the King, though purporting to bear his signature, was a valid one, what would be their answer? I am strongly inclined to think that they would be of opinion, that the man ought not to be executed; because it will be recollected, that it is competent to aver against the Sign Manual, though not against the Great Seal. It would be a matter of great doubt, therefore, whether such a commission would be a valid one. Now, the course we propose to adopt is free from this objection; we clothe ourselves in legal forms, and have therefore a sound foundation. At the same time, I admit that it is only legal from the absolute necessity of the case.

Some observations have been made, and I think not quite fairly, upon what I said concerning the proceedings of the parliament of Ireland in 1789. It has been insinuated that I spoke with disrespect of that precedent. The arguments I used in order to shew that it did not apply to the present case, might not be satisfactory, but certainly they were not intended by me to be disrespectful. I said there were material distinctions between the two cases, and pointed them out; but nothing could be further from my intention, than to speak slightly or disrespectfully of the parliament of Ireland.

A right hon. gent. opposite to me, who expressed himself strongly in favour of the mode of proceeding by Address, has endeavoured to illustrate his argument by a case from private life, although he admitted that such examples were very seldom applicable to public questions. Suppose, said the right hon. gent., that three gentlemen were appointed trustees of an estate, and that one of them had the power of acting by agent, and suppose also that the trustee having that power became incapable of acting for a time, what would you say, exclaimed the right hon. gent., if the two other trustees were to go to the agent and desire him to act in the name of his principal, during the time of his incapacity? Why, Sir, I do not imagine that the two remaining trustees would be quite in so difficult a situation as the right hon. gent. imagines; for though he will not allow the Great Seal to be in a state of inactivity now, it would be, in the case he has put; and the two remaining trustees would, by an application to the Lord Chancellor, be soon relieved from the supposed difficulty. But let us see how this supposed case applies to the present question. The right hon. gent. thinks it would be most improper conduct if they were to desire the agent to act for the third trustee. But pray, does he conceive the case would be much mended, if they were to proceed by way of Address? Does he think all the difficulties would be removed if they were to address the agent or any other person, desiring him to execute the duties of their co-trustee? The right hon. gent. said he did not like applying cases from private life to public questions, and I am very much inclined to think that the success of this experiment will not very much increase his fondness for that mode of illustration.

I will now, Sir, if the House will permit me, make a few short observations upon some arguments, which were urged last night on the other side of the House. The hon. gent. opposite (Mr. Whitbread) made some observations upon the testimony of his Majesty's physicians, respecting the period of the commencement of the King's illness. He said, that Dr. Baillie and sir H. Halford, the only two physicians that were in attendance upon his Majesty at that time, differed in opinion as to the time of the commencement of the indisposition. Now, I think the hon. gent. has not stated the evidence quite accurately. It will be seen in the Report (p. 161,) that the following questions are put to sir H. Halford:—

Q.—" Up to the 28th, was his Majesty " in a state to transact public business? " A.—I think so; I think the King could " transact public business.

Q.—" Are the Committee to understand that, up to the 28th of October and on the 28th of October, his Majesty was in such a state as, if he had " been a private individual, he would have " been intrusted with the transaction of " any thing in the management of his own " concerns? A.—I think you would not " have been justified, in taking from any " individual the power of transacting his " own business, if under the circumstances " that his Majesty was, I think I might " say to the night of the 27th of October."

Now, Sir, I ask the hon. gent. opposite, I ask the House, whether, when his Majesty was in a state in which it would not have been proper " to take from " any individual the power of transacting " his own business," it would have been proper for any person to take upon himself to disobey the King's orders, and to refuse to execute his commands. Let us now look to the Evidence of Dr. Baillie (p. 177).

Q.—" On the 25th when you attended " the King, not in the capacity in which " you subsequently attended him, did you " observe any thing particular in his Majesty's manner? A.—He was hurried in " his manner. That is the observation " that I have made in my memorandum; " that his pulse was at 90, and his con" versation was hurried, and a little de" sultory; that is, passing from one thing " a little rapidly to another: that was at " three o'clock.

Q.—" On the 26th, the Committee is to " understand, the King's malady was esta" blished? A.—I saw him formally, as a " physician, on the 26th: his conversation " then was certainly very much hurried; " but I see, in my Memorandum, that it " was not irrational, although hurried and " not very well connected. I should not " have trusted to my memory for that, but " I find that in my memorandum book on " that day.

" Q.—Did you think on the 26th, from " what you observed in his Majesty, that " he was capable of conducting business? A.—I really cannot give a very " accurate answer to that question; I " should rather think that he was not " capable, but I would not take upon me " to say that that is a perfectly accurate " answer."

Now, Sir, I contend, that it can hardly be said that the physicians differ from each other, when the one speaks positively, and the other only expresses his doubts, and those doubts founded, not upon his recollection, but upon his Memorandum.

The same hon. gent. adverted to the indisposition of his Majesty in the years 1801 and 1804, and censured the government of the former of these periods, for not taking notice of his Majesty's relapse. Sir, I say that in 1801, the indisposition of his Majesty, and the nature of it, was notorious to parliament, and I say also, that parliament did abstain, intentionally abstain, from taking notice of it. After his Majesty recovered, he had a short relapse; but the government finding that parliament did not take notice of the longer indisposition, of course concluded that it would not think it necessary to interfere in one that lasted for so short a period. That his Majesty's relapse in 1801, was known to parliament as well as his previous indisposition is obvious from one particular circumstance. It was about the time of the change in administration; the Lord Chancellor had then accepted the seals; but the King relapsed so soon after he had accepted them, that his Lordship had not the power of resigning the chief justiceship of the Common Pleas.

It was known, that from that circumstance the then Master of the Rolls, who was to succeed to the Common Pleas, could not take the office, and for the same reason the present Master of the Rolls could not enter upon his office. The fact, therefore, of his Majesty's illness and relapse in 1801, was perfectly well known, and therefore I am justified in saying, that parliament studiously abstained from noticing it.

In 1804, too, the hon. gent. thinks there was something not quite satisfactory; but upon this occasion there was no relapse; there were some vestiges of the complaint, some occasional symptoms of hurry, as it is stated in the Evidence, but the witness positively says, that his Majesty was in a complete state of competence to transact business.

Sir, I contend that the delays which parliament suffered to take place, during the proceedings in 1788, and the periods which it allowed to elapse in 1801 and 1804, without noticing his Majesty's indisposition, afford a strong proof that parliament feels that there is so much difficulty and inconvenience connected with the appointment of a Regent, that it will be disposed to pause for a long time before it will take any step for that purpose. Sir, I collect that to be the feeling of parliament from another circumstance; namely, that it did not think proper to adopt any measures for establishing a permanent Regency, after any of the indispositions alluded to, in case of their recurrence. And it has been in consonance with this feeling, that his Majesty's ministers have acted on the present occasion. Sir, we have not shut our eyes to the inconveniences that must exist in such a state of things; we are quite as sensible of them, as the gentlemen on the opposite side possibly can be. It cannot be supposed that we are not aware of all the cases which have been put, where his Majesty's servants may be under the necessity of giving directions in his name. We have not been blind to these things. Sir, if ministers should find it necessary to take such steps, I contend they would be justified under the particular circumstances of the case; but they would act under a heavy responsibility, and parliament would be bound in duty to examine their conduct afterwards. Sir, I am deeply convinced that I stand in a situation of as deep responsibility as ever a minister stood in: it is a double responsibility, a responsibility to the Public, and a responsibility to the King my master. Sir, I feel that to be our situation; and parliament must have felt it so too, in suffering the delays that have already taken place. Gentlemen opposite may put what construction they please upon what I am about to say, but I do contend boldly before parliament, and before my country, that, if under the circumstances I have described, any measure in any of the public departments, required the Sign Manual, the officer at the head of that department would act most culpably if he did not issue the necessary orders to his inferior, upon his responsibility. Sir, this is the view I have of the situation and of the duties of his Majesty's ministers; and although gentlemen on the other side have thought proper to insinuate that our measures have been influenced by a desire of retaining our offices, I am sure the House will not be of opinion that our situation is particularly enviable, or one that could by any possibility be an object of choice. We feel—we admit—all the inconveniences of the present state of things; but, considering the duration to be but short, are they in any degree equal to the inconvenience of appointing another person to execute the functions of the sovereign; or, in other words, of appointing a Regent, unless the necessity of the case absolutely requires it? It is not from feelings of delicacy only that his Majesty's ministers have acted, but from the conviction that the preserving to his Majesty the power of exercising his authority immediately upon his recovery, without the interruption of a Regent, would be a great national advantage. The Regent, when appointed, would of course act as he thought best for the interests of the state, and even admitting that the plans which he would adopt would be better than those now pursued, yet I contend that this change from a bad to a better system, with the probability of again shortly recurring to the old system, would be much more injurious to the welfare of the public than the inconveniences which have been so strongly urged by the gentlemen on the other side of the House.

Sir, Gentlemen have, in enumerating the inconveniencies of our present situation, adverted to the case of Sweden and of America, and to the state of our relations with those countries. It cannot be expected that I should now give any particular information to the House, with regard to our present situation with those powers; but I can undertake to say, that no inconvenience whatever has arisen with regard to either of them. Sir, the delay which has taken place has been no covert delay: it has been perfectly open, and the reason why it was asked was fairly stated. We have had no disguise, no subterfuge; our object was broadly and fairly stated to Parliament. Sir, I say again, that ministers feel deeply the heavy responsibility of their situation: they know that their conduct will necessarily be examined and scrutinized by Parliament; they know that they may have to request justice from Parliament for their conduct, at a time when those who are now censuring their conduct with so much acrimony, may possess a greater sway than they do at present. Is such a situation, then, a desirable one? Is it an object of ambition? Is it possible that any man, or set of men, can covet such a situation, or wish to retain it, except from the imperious sense of the duty which they owe to their Sovereign and to their country? That duty I will perform to the best of my humble abilities, and cheerfully submit my conduct to the justice of Parliament and of my country.

It has been asked, whether, if under the present circumstances, the evacuation of Portugal were deemed necessary, any order could be sent out to Lord Wellington for that purpose? And do gentlemen really believe that any difficulty exists upon such a subject? Do they really believe that Lord Wellington would refuse to obey an order transmitted to him, by his Majesty's Secretary of State, for that purpose, merely because he had heard of the King's indisposition? Undoubtedly they do not: the case they have put, is then, an imaginary one. Sir, in the office which I have the honour to hold, money must be taken out of the Exchequer for the public service; it is the bounden duty of ministers to see that service performed; and do the hon. gentlemen opposite think that I would hesitate to draw the money for that purpose?—[A loud cry of Hear, hear! from the Opposition Bench]—Sir, I am unable to account for the distinction which the gentlemen opposite appear to me to make between the two cases which I have put. When I said that ministers would not hesitate to give orders for the evacuation of Portugal, if it were deemed necessary, they seemed, by their silence at least, to acquiesce in what I said; but when I spoke of applying the money voted for the public service, to the public service, they affect great astonishment, as if the principle of the two cases was not the same. Sir, I repeat, that I should act under great responsibility, but do gentlemen think that where money has been voted by Parliament, and ordered by Parliament to be applied to a particular service, that I would hesitate to have that public service performed, for fear of the responsibility that would attach to me? Do they think that I would endanger the best interests of the country, from any consideration of personal danger to myself? Do they think that I would risk a mutiny in the army or the navy, rather than take upon me the responsibility of issuing their pay. No, Sir, if I could be guilty of such conduct, I should be unfit, indeed, for the situation which I hold; I should be guilty of a base dereliction of my duty to my Sovereign and my country.

Sir, before I sit down, I must beg leave to observe, that I do not think the gentlemen on the other side of the House have acted quite fairly towards me. When I proposed the Resolutions, I stated at the same time the general nature of the plan I had to propose. Now, the gentlemen on the opposite side have, it seems, some plan in reserve, besides their Address, which they have thought proper to keep back from the knowledge of Parliament and the country. At the same time, they have argued, by anticipation as it were, against the limitations and restrictions which I said I meant to propose, though I had not an opportunity of stating the grounds upon which I meant to propose them. I must, however, beg of the House to keep their minds open upon the question of the Restrictions, and that they will not decide until they have heard the arguments on both sides of the question. The gentlemen on the other side say, they can establish restrictions upon the power of the Regent, if necessary, by their mode of proceeding, and the way they would do it, is, by conveying suggestions and hints, as it were, of their intention in the Address to his royal highness the Prince. Why, Sir, if the two Houses of Parliament can legislate by Address, where is the security for the constitution? That the two Houses of Parliament can, by Address, limit the power of the Crown is a proposition which I am sure will never be listened to in this House.—There were some questions put to me yesterday by the hon. gent. opposite to me, (Mr. Whitbread) respecting the Physicians; such as, at whose desire a certain Physician was sent; whether the presence of one of them was not disagreeable to a great personage, &c. Sir, with respect to these questions, I hope I shall be pardoned if I say, that I will not answer them, unless commanded by the House, because I cannot conceive any good that could by any possibility arise from giving the information required. I shall now conclude, Sir, with apologizing for the length of time I have trespassed upon the patience of the House.

Mr. *Whitbread* rose and said:—Much, Sir, as the bold and extraordinary speech which the right hon. gent. has just made, may have furnished me with ample topics for animadversion, it is not my intention to trouble you at any length at this late hour. Would to God, that every member of the United Parliament of England, Scotland, and Ireland had been present to have heard the speech in which the right hon. the Chancellor of the Exchequer had proclaimed his possession of the royal attributes, and had boldly and arrogantly triumphed in the usurpation. With regard to the second Resolution, it appears to me totally unnecessary, and I firmly believe that it was introduced for the purpose of provoking an acrimonious debate. But the importance of the Resolution is trifling when it is compared with the momentous considerations which must suggest themselves to the mind of every reflecting man on hearing the declarations of the right hon. gent. Would Mr. Pitt in the plenitude of his power have ventured upon such declarations? Would he have dared in the face of the House of Commons to tell the nation that, in any interruption of the functions of the sovereign, he and his colleagues would assume the controul of the public purse, and that the rights of the King descended to his servant? He would not: and shall it be endured that the Chancellor of the Exchequer of the present day should invest himself with powers subversive of every principle of the constitution—that he should assume to himself the application of the public money when and how he shall think proper, and upon a pretended responsibility, trample upon that throne which he is sworn to support? If the right hon. gent. were to do an act for which there existed an unavoidable necessity, and was afterwards to come to parliament and state that necessity, I trust, notwithstanding our political hostility, that I have justice and magnanimity enough in my nature to give my sanction to a Bill of Indemnity for such an act. But the cases alluded to by the right hon. gent. are not cases of necessity, and as the right hon. gent. has this night discovered so much arrogance and presumption, I pledge myself to scrutinize every act that he may venture, with more than ordinary rigour. Never in the whole course of my parliamentary life did I witness such unprecedented boldness! But we are told that the subordinate officers of the Exchequer and the other branches of the state would not dare to refuse the unauthorized mandate of the Treasury. The right hon. gent. may "call spirits from the vasty deep, but will they come when he do call for them?" He may order them to obey his instructions, but could he punish them for disobedience? Have those officers no positive duties to perform? Have they taken no oaths? Or are their consciences in the possession or at the controul of the Chancellor of the Exchequer? Let me advise him not to be too presumptuous. He may possibly find himself under a delusion. This great minister, who has led us to commercial prosperity and military renown, may, however, possibly find, from the splendour of his career, willing instruments in every department to uphold the power he has wantonly usurped. From the repeated impunity which every violation of our interests has met with, we have become so familiar with outrage, that very possibly the minister of the present day may be able to effect that, which if Mr. Pitt, in 1788, with a whole nation at his back, had done, he would not have been suffered to continue in the direction of public affairs one day longer. The object of the right hon. gent. in introducing a Bill into the House is evidently for the purpose of delay; but I hereby give him and the House notice, that if in the interval between the present period and Monday sen'night his Majesty should recover so completely as to resume the royal functions, if no one else will institute such a proceeding, I will myself move to take into consideration the best means of supplying any future deficiency in the royal authority that may unfortunately occur. One word, Sir, as to the charge which has been made against me of having asked an indelicate question respecting the persons by whose advice a certain physician had been called to attend his Majesty. The right hon. gent. let it be recollected, has made the charge, and thereby forced me to the necessity of an explanation. I regret that I do not possess the pathetic eloquence of the hon. and learned gent. (Mr. Stephen) who has this night so eminently shewn the versatility of his talents. I will, then, figure to myself a possible picture. What if a man—that man a king, in a state of twofold blindness, bodily and mental—stretched on the bed of affliction, with his remaining faculties alive to the dread of being committed to the care of an individual personally obnoxious to him, should most fervently implore, and that his afflicted family placed around his bed, should all unite in the supplication, that he might not again be subjected to his controul! Can the House figure to itself a case of greater misery? And what, I ask, must be the feelings of those who could refuse such a supplication; and is it not more natural to suppose that the malady of the patient would be increased rather than alleviated by the presence of the person so obnoxious? I have been compelled to put the case hypothetically, seeing that I was over-ruled in the Committee when I expressed a desire to put a question that would have elicited the truth. I was also over-ruled in my wish to inquire into the nature of those "hurries" described by the physicians, and of the means by which they were excited; although the answer to that question would have better enabled me to form a judgment as to the probability of his Majesty's recovery. Sir, after the daring declaration of the right hon. gent., I trust the two Houses of Parliament will feel it an incumbent duty to take immediate steps in order to prevent the controul of ministers over the public purse—to prevent a Lord Chancellor or a Chancellor of the Exchequer, from conceiving himself entitled to decide on the great question of peace or war, or on any other question to which the royal authority is alone competent. The right hon. gent. and the knot of lawyers by whom he is surrounded must not be thus allowed to devise modes of cheating us out of the Constitution. For myself, Sir, having sworn allegiance to his Majesty, and entertaining no anti-monarchical sentiment in my bosom, I would die rather than submit to the usurpation proclaimed this night by the right. hon. gent. opposite.

Mr. *Adam* animadverted with considerable force on the dangerous consequences to be apprehended from a system of prospective responsibility. The mode of claiming indemnity did not apply to a case of novel, unexpected, and extraordinary occurrence, but a case foreseen, in which the act was premeditated; if this system was to be avowed and tolerated, the first act of the legislature, the moment parliament should be restored, ought to be to appoint a succedaneum for the executive in the event of the King at any future time being afflicted by the same calamity. Nothing could be more censurable than the readiness of the right hon. gent. to incur a prospective responsibility. The true genius of the constitution would sanction indemnity for an accidental violation of the law, justified by necessity; but it would never sanction indemnity for a predicted, uninterrupted course of violation which no necessity could justify. The evidence of Dr. Willis had been alluded to; now, what did that evidence state: that on the 6th of Nov., the day on which Dr. Willis first saw the King, his Majesty was then "perfectly unconscious of surrounding objects." It was on the first of the same month, and on the 15th, that the right hon. gent. prevailed on the House to adjourn over each time a fortnight, on the high probability of his Majesty's speedy recovery. And thus a month had been lost. But if the system of these prospective responsibilities were to be admitted, what would be the use of those checks which the constitution had ordained should exist? Where would be the necessity at all of the sign manual? Bold as was the doctrine of the right hon. gent., it was yet worthy of observation, that whether from a difference of strength as to nerves, or as to prudence, that there were others in the same cabinet with that right hon. gent. who were not so forward to hazard such responsibility. He knew of his own knowledge that the Chancellor of England would not put the Great Seal to a commission of the peace. He admitted the question to be a question of difficulty, a question of necessity, in both cases; whether of Bill or Address, parliament would act and parliament only act, with this difference, that in the one it acted without interfering with the functions of the crown, in the other it usurped and exercised those functions.

The *Chancellor of the Exchequer* hoped that he should be allowed to make a short explanation in consequence of what had fallen from an hon. member (Mr. Whitbread.) That hon. gent. had undoubtedly expressed himself to be perfectly ready to grant him an indemnity for acts of absolute necessity, and all that he had himself said with respect to others, was, that he thought during the delay which was now unavoidable, all those who held offices should discharge their duty to the utmost, upon their own responsibility. The hon. gent. had however charged him with assuming a bold and arrogant tone. He, to be sure, was a bad judge of his own defects; but, as far as he knew himself, he did not believe that improper boldness or arrogance belonged to his character. Whether it did or not, he left it to the House to judge. It might happen that sometimes in the warmth of debate, and in the eagerness to make himself perfectly heard and understood, he might raise his voice a little louder than was absolutely necessary, to convey his sentiments to all parts of the House; but if this was to be conceived a proof of arrogance, the hon. gent. himself would hardly escape the imputation; for he, also, sometimes elevated his voice to a higher pitch than appeared absolutely necessary. The hon. and learned gent. who spoke last had said, that to his knowledge the Chancellor of England would not now put the Great Seal to a commission of the peace. This could easily be accounted for: there was always a commission of the peace existing, and it was not of great consequence whether one, two or more names were added. But if there was a serious occasion for putting the Great Seal to a commission, such as the suppression of a mutiny, he was much mistaken in his noble and learned friend, if he would hesitate a single moment to affix the Seal on his own responsibility.

Mr. *Whitbread* acknowledged, that, among his many defects, his voice was sometimes louder than, perhaps, was necessary. There were also many things, in which he would wish to rival the right hon. gent. He would wish to rival him in acuteness; but above all things in his rapid transition from the warmth engendered by political contest to the good humour of private intercourse. If he spoke of arrogance, he certainly did not mean personal arrogance, but that degree of political arrogance which made him now pledge his responsibility so deeply. Under this responsibility ministers might take advantage of a mental malady in the King, to usurp all the powers of the state.

The House then divided, when there appeared,

For the previous question	15
Against it	98
Majority against the previous question	—83

The second and third Resolutions were then agreed.

After the gallery was cleared, Mr. C. W. Wynn asked the Chancellor of the Exchequer whether, in the event of the House agreeing to the Restriction which would deprive the Regent of the nomination of the officers of the Household, he proposed to follow the plan given notice of by Mr. Pitt in 1788, of allowing to the Regent an additional regal establishment, and imposing fresh taxes to defray the expence of it, to which the Chancellor of the Exchequer answered in the affirmative.

HOUSE OF LORDS.

Saturday, December 22.

Lord Clive and several other members of the House of Commons brought up a Message desiring a Conference. A Committee of Conference, consisting of earl Camden, the earl of Liverpool, lord Wentworth, the bishop of Hereford, lord Mulgrave, marquis Wellesley, was appointed; and a Message having been sent to the Commons, appointing the Conference forthwith in the Painted Chamber, the Lords appointed to confer with the Commons went forth.

On their return, earl Camden reported the communication of the Resolutions agreed to by the House of Commons yesterday, which, on the motion of the earl of Liverpool, were ordered to be taken into consideration on Thursday next, the House then to resolve itself into a Committee on the State of the Nation, and the Lords to be summoned.—Adjourned to Wednesday.

HOUSE OF COMMONS.

Saturday, December 22.

Mr. Secretary Ryder moved, that a Committee be appointed to confer with the Lords on certain Resolutions yesterday entered into by that House, and proposed that lord Clive, sir John Nicholl, sir Evan Nepean, Mr. Wallis, and Mr. Ashley Cooper, be a Committee for that purpose.—Ordered.

On their return from the Lords, lord Clive acquainted the House, that they had had a Conference with a Committee of the Lords, and in compliance with their instructions had laid before their Lordships certain Resolutions, in which they desired their concurrence.

The House then adjourned until Friday next.

HOUSE OF LORDS.

Wednesday, December 26.

On the motion of the earl of Liverpool, the Resolutions from the Commons, communicated at the Conference on Saturday, and the Report of the Committee appointed to examine his Majesty's physicians touching the state of his Majesty's health, were ordered to be referred to the Committee on the State of the Nation.

Earl Stanhope gave notice of his intention to move an amendment on the Second Resolution.

Adjourned till to-morrow.

HOUSE OF LORDS.

Thursday, December 27.

[Bulletins of the King's Health.] The Earl of *Carlisle* rose and addressed the House as follows :—My Lords, Before we enter upon the business for which we are this day assembled, I am anxious to call the attention of your lordships to a subject of considerable importance, not as it affects our deliberations, but as it regards the information of the public. From the paper which I now hold in my hand, and which contains the Report of the Committee appointed to examine the Physicians touching the state of his Majesty's health, I perceive with surprize that the evidence obtained from those gentlemen upon oath before the Committee, states what does not appear in the Bulletins which have been issued daily signed with their names. The first notification of the calamity which had befallen his Majesty, made to this House, by the noble and learned lord who presides on the woolsack, was succeeded by a proposal for an adjournment for a fortnight, on the ground of an expectation that his Majesty would in that interval recover.—At the end of that fortnight, another adjournment was proposed, after the same noble lord had again distinctly informed the House of the state of his Majesty's health, and a hope was confidently expressed by him that his Majesty's indisposition would be of no long duration. His Majesty's ministers at that time must have certainly meant it to be understood by your lordships that the disorder had every appearance of terminating, and therefore they advised delay on the ground of there being no likelihood that they should be under the necessity of proceeding to the adoption of the necessary measures to supply the present defect in the exercise of the royal authority. At this period, although your lordships were called upon to discharge great public duties superior to every other consideration, yet such were your feelings of respect for the sovereign, that they pleaded an excuse for the non-performance of your paramount duty ; nay, your lordships were, no doubt, anxious to lay hold even of an excuse for not proceeding to other measures, when an expectation was held out to you, that his Majesty's recovery would speedily prevent the necessity of adopting those proceedings. If, my Lords, there has been an omission on your part in not proceeding to the discharge of your duties to the country, it has arisen from the best intentions, from the noblest passion that can animate the human breast—from a just and deeply felt commiseration for the sufferings of the royal House, on whose roof have alighted afflicting and domestic misery greater than any almost ever known. It was this consideration, founded upon information that his Majesty would in all human probability recover in a reasonably short period of time, that prevented your lordships from laying the foundation-stone of that edifice which we now find it necessary to construct—an edifice, which, if the two Houses had not been imposed on by ministers, would, at this moment, have been nearly completed.

In the next stage of your proceedings, it was thought necessary to produce Evidence given before the Privy Council ; but I must insist, my lords, that the course adopted of making that Evidence the ground of the proceedings of this House, ought not hereafter to be regarded as a precedent, for if it should ever be esteemed a precedent, it would "be more honoured in the breach than in the observance." A farther prospect was thus presented for the expectation of his Majesty's recovery, whereby your lordships and the public have been again deluded. And it is thus, through the periods of time I have alluded to, that delay and procrastination have prevented our discharging the duty we owe to the country and to ourselves; and thus have we continued without any government at all; or under a government that can only be described as a government of usurpation!

But, my lords, what I more immediately wish to bring under your lordships' attention are the contents of the Bulletins which have been issued daily to the public, for the purpose of declaring and making known the state of his Majesty's health. At the same time it is not my intention to impute any improper motive to the noble lords opposite; I will suppose them to have been equally deluded with the public, and the rest of your lordships. For, I cannot possibly conceive that, had they been acquainted with what was drawn from the Physicians, upon oath, in their Examination before your lordships' Committee, they could have advised the procrastination which has occurred, or that they would have represented his Majesty's illness as likely to endure but for a short period. I do not mean to say that they spoke of a precise time when his Majesty would recover, but they most certainly intimated, that they had no doubt of his recovery in a limited time. Indeed such were the expressions of some of the noble lords opposite; and I am informed that language of an irregular and unparliamentary tendency was uttered, in order to influence the conduct of this House. In what other light could such language be considered, when noble lords were told, that if they did not assent to the delay of a fortnight or three weeks, their proceedings would have the effect of thrusting the King from the throne.

Now, my lords, when I examine the paper which I hold in my hand, containing the Evidence of his Majesty's Physicians, I find the testimony of Dr. Robert Willis, corroborated by that of Dr. Heberden, declaring the state of his Majesty's health to have been at a particular period of a more serious and alarming description than any thing we apprehended at the time; more serious than any thing contained in the representations of his Majesty's Ministers, or in the Bulletins of the Physicians. It appears, that about the 6th and 7th of November, from the Evidence of Dr. Robert Willis, that his Majesty's life was in imminent danger; and Dr. Heberden expresses himself to the same purport. Dr. Willis, speaking of the state of his Majesty's health on the 6th of November, on being asked, "Was that paroxysm severe?" answered, "Extremely severe, his Majesty's "life was in great peril." Dr. Heberden also, in his Evidence, relative to the state of his Majesty at that time, on being asked, "Did you consider the symptoms "of that paroxysm as being severe?" answered, "They appeared so severe as "to give his Majesty's Physicians apprehensions for his life." Sir Henry Halford, likewise, in speaking of the same period, says, "I thought his Majesty's "life was in some peril."

Such, my lords, is the evidence of his Majesty's Physicians. Let us now see what were the Bulletins which at that very period were issued for the information of the public. Those of the 6th, 7th, and 8th are as follows:

"Windsor Castle, Nov. 6, 1810. His "Majesty has passed the night with "very little sleep, and is not better this "morning."

"Nov. 6, 1810, 8 o'clock, P. M. His "Majesty has had some sleep, and has "appeared a little better throughout this "day."

"Nov. 7, 1810. His Majesty had "more sleep last night, and continues "fully as well as in any part of yester"day."

"Nov. 7, 1810, 8 o'clock, P. M. His "Majesty is much the same as he was in "the morning."

"Nov. 8, 1810. His Majesty has had "a little sleep, and continues nearly in "the same state as yesterday."

"Nov. 8, 1810, 8 o'clock, P. M. His "Majesty has had a considerable degree "of fever in the course of this day, but "has slept since six o'clock, and is now "asleep."

My lords, I think that upon the most cursory comparison of the Evidence of the Physicians with the substance of the Bulletins, it will be actually impossible to reconcile the conduct of the noble lords opposite with any principle but that of delusion. Is it to be supposed possible, that they should have known what is stated by Dr. Robert Willis, upon oath, to have occurred in the beginning of November, and that not one word to that effect should have escaped their lips on the 15th, when they ventured even to express confident expectations of no very remote recovery, founded upon the information of his Majesty's Physicians, and when your lordships were, by such as it now appears, unfounded representations, persuaded to agree to a farther procrastination? We now find that by consenting to such delays, we have omitted our duty in deferring to this period, what we ought to have proceeded with in the earliest stage, of that calamity, which has so long kept us without an efficient executive. In calling your lordships' attention to this subject, it is not my intention to submit any motion to the House. Your lordships will, I am persuaded, excuse the liberty I have now taken of expressing my sentiments; but I do think, that an explanation is due to your lordships and to the country, how it has happened that those Bulletins have not corresponded with the Evidence afterwards given by his Majesty's Physicians on oath. I certainly shall consider it my duty to recommend that another Committee be formed, and that there should be another Examination of the Physicians, in order that the variance between the Bulletins and the Evidence may be reconciled. In recommending this measure, I am far from intending any disrespect to those gentlemen, but I consider it a duty which we owe to them, to ourselves, and to the public, to ascertain the cause of so palpable an inconsistency.

The Earl of *Liverpool* declined to enter into the subject at present, as the noble earl had not made any motion, and as the important business which stood for the order of the day pressed for consideration. He should only observe, that when the time came he should be prepared to justify what had been said by himself and other noble lords upon the subject to which the noble earl had alluded. He should now move, "That the House do resolve itself into a Committee of the whole House on the State of the Nation."

[STATE OF THE NATION—KING'S ILLNESS.] Their lordships having accordingly resolved into the said Committee, the three Resolutions transmitted by the House of Commons, were read by the clerk, as follow:

"Resolved, 1. That it is the opinion of "this House, that his Majesty is prevented, "by his present Indisposition, from coming to his Parliament, and from attending "to public business; and that the personal exercise of the royal authority is "thereby suspended.

"2. That it is the opinion of this "House, that it is the right and the duty "of the Lords spiritual and temporal, and "Commons of Great Britain and Ireland, "now assembled, and lawfully, fully, and "freely, representing all the estates of the "people of this realm, to provide the "means of supplying the defect of the "personal exercise of the royal authority "arising from his Majesty's said Indisposition, in such manner as the exigency "of the case may appear to them to require.

"3. That it is the opinion of this House, "That for this purpose, and for maintaining entire the constitutional authority of "the King, it is necessary that the said "Lords Spiritual and Temporal, and Commons of the United Kingdom of Great "Britain and Ireland, should determine on "the means whereby the Royal Assent "may be given in Parliament to such Bill "as may be passed by the two Houses of "Parliament, respecting the exercise of "the powers and authorities of the Crown, "in the name and on the behalf of the "King, during the continuance of his Majesty's present Indisposition."

On the first Resolution being again read,

The Earl of *Liverpool* rose and said; My lords, I now feel myself called upon to address your lordships upon the very important subject under your consideration, and to call your lordships' particular attention to those Resolutions voted by the House of Commons, which you have just heard read. Upon the first of these Resolutions, my lords, I think, that at this time unfortunately there can arise no difference of opinion. In discharging the painful duty imposed on us by the statement of the melancholy fact referred to in this Resolution, I am persuaded, it is impossible to do sufficient justice to those feelings, by any attempt on my part to describe them, with which we are all equally actuated by so afflicting a calamity. I cannot, however, help expressing the anxious hopes we all must entertain, of the restoration of a gracious and beloved Sovereign, under whose auspices for more than fifty years we have enjoyed a degree of liberty, prosperity, happiness, and uninterrupted internal tranquillity, which has never yet been enjoyed by any other country on the face of the globe. I feel, too, that we all must look with pleasing satisfaction to the hopes held out of the ultimate re-establishment of his Majesty's health, and the prospect, at no remote period, of the resumption by himself, of the personal exercise of the royal authority Notwithstanding, my lords, what I have heard this night in this House, and on former occasions, on the subject of delay, I can take no blame to myself, nor attach any to my colleagues in office, for those propositions of adjournment, which, from time to time, we have felt it our duty to submit to parliament, in the anxious hope, that the measures, which may now be thought necessary to adopt, might have been avoided. It has at length become necessary for us, after such an interval as was consistent with our feelings of respect for the Sovereign, and with our sense of duty to the country, to proceed to the discharge of the melancholy office imposed on us. But, can any noble lord blame us for having entertained hopes so congenial to all our feelings, and for delaying, as long as the public service would permit, the performance of a duty which could in no circumstances be pleasing, and which in the present instance must be peculiarly distressing. The very discussion of the subject must unavoidably be attended with the most unpleasing circumstances. It is impossible to reflect upon the present state of this nation without pain, and it was, therefore, a natural wish to postpone the evil day as long as that could safely be done, and whilst any ray of hope remained of an alteration in circumstances that might render the performance of the painful task unnecessary. It is now two centuries and a half since any thing like the present emergency has occurred in the history of this country. I feel it, therefore, impossible to propose the necessary arrangements, or to enter into the discussion itself, which must be confessedly attended with so many difficulties, without feeling an anxious wish that the necessity could have been avoided or removed. I do not say this alone from any feeling of delicacy or tenderness towards any particular individual, however high or exalted his rank, though a degree of delicacy in this respect is both proper and necessary: but I say it also on public grounds, and from public feeling, and from a mature consideration of all those circumstances that must necessarily arise out of a proceeding of this nature.

Under these impressions, my lords, I shall at the present moment endeavour to avoid as much as possible the agitation or discussion of all extraneous points, or of any matter foreign from the subject now regularly before us. But when I decline entering upon these topics, it is not from any particular unwillingness to entertain such questions, nor from any desire to shrink from such discussions, but because I feel, they are not necessarily involved in the consideration of the matters now regularly before us. The present questions should be considered wholly on their own grounds; and on their own exclusive merits—unconnected with any thing that may tend to embarrass instead of facilitating the discussion. The immediate question before us entirely and solely respects the course and mode of the proceeding which it may be desirable and necessary to adopt.

When it first appeared to us, that this great question should be brought before parliament with a view to fill up the deficiency in the executive government, we easily imagined from the many individuals in both Houses of Parliament, who had formerly taken a part in similar discussions, that there were some points to which there would be considerable opposition. I, however, thought, that, after what has already passed, we all should be agreed upon the propriety of looking back to the precedent of 1788, as that which might be denominated a rule of conduct in respect to the form of our proceedings. But, from what has passed here and elsewhere, I understand it is intended to object to any measures, which the servants of the crown may propose with a view to fill up the existing vacancy, founded upon the general principles and course of proceedings in the year 1788. With respect, my lords, to the principle of that great and salutary precedent, when I consider it so directly analogous to, and so clearly founded on the genuine principles of the constitution of this country; when I look to the great and eminent law authorities, who have given their decided and express sanction to that principle, and course of proceeding, I feel it a question of so much magnitude and importance, that I cannot avoid stating those general principles, at least, on which, according to my conviction, the Resolutions of that period are founded, and which I conceive to be consonant to all those great constitutional principles, by which I conclude that your lordships would naturally wish to be guided on such an occasion as the present. The first principle laid down, in forming the precedent of 1788, was, that the throne must be considered as always full, and that the political capacity of the Sovereign is always in existence, whatever may be the immediate temporary incapacity or personal situation of the Monarch. This I conceive to be a practical distinction of a nature not only expedient, but necessary to ensure to the governed the continued existence of all the advantages to be derived from the principle and operations of an hereditary monarchy. If the exercise of the royal authority during the life of the legal Sovereign must be scrupulously reserved for that Sovereign, any departure from this principle on every occasion of temporary personal incapacity, might lead to all the inconveniences and dangers of a contested title to the throne. If this doctrine were not true—if the succession to the throne were not to devolve upon a person specified by law, see to what a situation it would lead you. Look to the cases of infancy, the infirmities of sickness, and the infirmity of old age, and reflect, that in either or all of these cases you might be liable to all the inconvenience of a disputed succession, under circumstances the most embarrassing; and even after the most vexatious contests, the disputed point might still remain difficult to be ascertained how it ought to be determined. The great object, therefore, in the establishment of the monarchical system, was security and certainty; and to oppose a stay against the ambitious designs of individuals, renders it necessary that you should adopt means to avoid any interruption, and to uphold, as long as you can, the political capacity of the King upon the throne, unimpaired and complete.

The second established principle on which the proceeding of 1788 was founded, and which rendered it a proper precedent on the present occasion, was, that the law knows of no such office as that of Regent: that is, an office created under special circumstances, to meet a special exigency: which must always be grounded upon the necessity of the case itself, and ought not to be extended beyond what the exigency of the case itself may require. I strongly believe, that if these were not the feelings of our ancestors, they would have made some general provisions upon the subject of regency; and had such an office as that of Regent been recognized by law, we should have found something respecting it in the statute book, and should long before this have had it defined by the law of the land. But our ancestors evidently held, that it was dangerous to meddle or interfere with so important a question by prospective provisions; and that whatever inconvenience might arise from any interval occurring in the personal exercise of the royal functions, they chose to rest upon the broad basis of the presumed general capacity of the King. In such a deficiency as the present, our ancestors seemed to trust entirely to parliament to provide for the personal exercise of that authority which belonged to the King—not by the adoption of any general measures, but by particular regulations founded on the special circumstances of the case, which might thereby furnish the strongest barrier when opposed to individuals aspiring to the office, and also afford the strongest security to the crown itself. I know that the opinion is entertained by certain individuals, that it might be wise to extend the principles and rules of the succession to the throne to the order and right of accession to the regency. That, however, has not been the principle upon which our ancestors have acted, nor has it been an acknowledged principle in monarchical governments of any other countries, to which regulations similar to those of our own might have applied. There is, indeed, hardly any country where that point has been so settled; nay, so far from it, the heir apparent, or heir presumptive in most other countries is positively considered as the last person that should be appointed Regent; and we know, that in countries where even the Salique law has prevailed, the next successor to the throne has not been generally considered as intitled of right to take and to exercise the powers of the Regency. We have no such hereditary principle as applying to the case of Regent, recorded upon our statute books or law books; nor is there to be found any legal or sound constitutional authority in this country, that has considered such a doctrine as a necessary principle of our monarchy. On the contrary, it appears to have been uniformly considered as one of the greatest and most desirable of objects to be attained, as far as it is consistent with the safety and prosperity of the country, to insure, by the most scrupulous caution, against the adoption of any general provisions on this head.

The third principle on which the proceeding of 1788 was founded, and which forms the basis of the third Resolution now before your lordships, is, that in the whole extent of the history of this country there has never been an instance of a Regency that was not appointed by parliament. In every case where the appointment of a Regent has been thought necessary, it has been recognized as the right and the duty of parliament to appoint and regulate the same. Claims of right, undoubtedly, have in some instances been made by individuals aspiring to the office of Regent; but those claims have, upon full consideration, been uniformly rejected. In the reign of Henry 6, a claim was made by the next of kin (the monarch being then a minor) to exercise the royal authority during the infancy of the sovereign. This claim was considered in parliament, precedents were searched for on the occasion, the authority of all the greatest men of the time was taken upon the subject, and the answer to that claim was, that the duke of Gloucester, the person asserting it, could have no such claim either by will or by kindred, but that the power of appointing a Regent for the kingdom belonged solely to the estates of the realm. In short, my lords, I will venture to assert, and without the fear of contradiction, that no examples are to be found upon the Rolls or Records of Parliament, where any Regent was ever appointed in this country except by the estates of the realm in convention or parliament assembled. And, here I must beg leave to remind your lordships, that, in stating those authorities, I have no object in view but to establish the general principles upon which parliament has uniformly acted, and that, whilst I claim for the estates of the realm the sole exclusive right to appoint the particular Regent in every exigency requiring such a step, I do not in any way mean to contend, that his royal highness the Prince of Wales ought not to be the person appointed on this occasion. I felt it necessary to say thus much on the question of right, because the claim had been explicitly prefered in 1788, though subsequently abandoned, and, lest any doubt should still remain in the mind of any noble lord upon the subject, I thought it not amiss, by referring to the established course and practice of the constitution, to place that point beyond question or dispute.

The fourth great constitutional principle, upon which the precedent of 1788 was founded, and to which I beg to draw the attention of your lordships, is, that upon a review of our whole history there does not appear an instance of a regency, with the exception of the duke of Gloucester, afterwards king Richard 3, and of the protector Somerset in the reign of Edward 6, that was not, in some way or other, even though appointed by parliament, limited or restrained by parliament. These, then, my lords, are the great and fundamental principles upon which our proceedings must be founded. For even in those instances, where the individual who has been appointed Regent had a claim to the throne, as in the case of the duke of York in the reign of Henry 6, with all that power and influence necessarily attending such a claim, yet parliament looked to and established the Regency as a limited and restricted Regency. I am aware, it may be said, that these examples are drawn from times of turbulence and violence. There can be no doubt that the times from which some of these precedents have been derived, were times, in many instances of considerable contention and violence; but I must, at the same time, tell your lordships, that to these times we are to look back for the establishment of the great and fundamental principles of the constitution, for the assertion of the rights and liberties of the people, for the foundation of those salutary laws which provide for the security of the lives and properties of the subject, and that we are consequently bound to regulate our conduct even by the precedents and authority of those remote times, if no later or better authority can be procured. From the time of Henry 3, or rather from the establishment of the Great Charter down to the time of Henry 7; we are to look for the great foundations of our constitution. We find many instances, too, in the history of the House of Stuart, which derived from the Tudors its right to the crown, where the greatest lawyers asserted the principles of liberty upon which was founded the Revolution, and which principles they derived from the precedents established in the period to which I have alluded. The great principles laid down, in that period, by lord Coke and other eminent lawyers, rested practically upon the precedents of the epoch, to which I have directed your lordships' attention; which although an epoch of violence and civil commotions, was yet a period to which Englishmen must look for the principles of their civil and political liberty. I am not, however, by any means prepared to contend, that these principles, some of which arose out of transactions, which were a disgrace to those times, have not received a full confirmation in later times up even to the period at which I am speaking. I do not, now, merely allude to the Revolution of 1688, but say that, since the illustrious House of Hanover has been upon the throne of these realms, we have had ample proof of what the situation of the country has been, even in respect to the principles upon which a Regency ought to be established. The 25th of George 2, with reference to a Regency, and the 5th of George 3, after his Majesty's accession, were introduced under the sanction of the ablest lawyers; and, on that account, are to be received as constitutional authorities on all such occasions as the present. It may, however, be observed, that whatever may be adopted as the general law as to Regency, it is still in the power of the King, Lords, and Commons, to make any alteration they may wish; and that if there had been in existence any claim of an irresistible nature, it is hardly to be supposed that it would have been overlooked by those who, in these two instances, had the power of appointment. By the 25th of George 2, we find that, in default of issue of Frederick, prince of Wales, the duke of Cumberland was presumptive heir to the throne, a personage exceedingly popular in the country, and although a favourite son of king George 2, yet, under all those circumstances, parliament gave the Regency to the princess dowager of Wales, subject to such restrictions and limitations as they in their wisdom thought proper to impose. These, and the like instances, were fully sufficient to establish this principle, the most important in these proceedings that the whole arrangement was always considered within the province of parliament, which had the power to act according to the circumstances of the case, and to impose limitations and restrictions, if thought expedient and convenient for the good of the country; a mode of conduct which is not therefore to be deemed contrary to the constitution. We must therefore ever bear in mind that the first great principle of our constitution is, that the political capacity of the King is always to be considered as entire; that the Regency is to be regulated and appointed according to the circumstances of the case, that no person can have any right except according to the will and authority of parliament; and lastly, that there is nothing contrary to the constitution in imposing previous restrictions and limitations upon the powers of a Regent. Taking these as established principles, we are then to attend to the mode in which we are to proceed.

Two modes have already been suggested—one to proceed by Address to the Prince of Wales, requesting him to take upon himself the government of the country under such restrictions and limitations as to the parliament shall seem meet—the other to proceed by Bill, which by virtue of the authority of the two Houses of Parliament shall receive the sanction royal by commission under the Great Seal, and thereby become an act of the whole legislature, containing such limitations and restrictions of the powers of the Crown to be exercised by the Regent as to both Houses shall appear proper to be imposed. I wish now, therefore, to call your lordships' attention to the difference between these two modes of proceeding. It has been asserted, that the two Houses cannot by any act of theirs appoint a Regent, because they are incompetent, without the executive, to pass any law. If there be no legal right in the two Houses by any act of theirs to appoint a Regent, how can they appoint him by Address any more than by Bill? But, whether they do it by Address or by Bill, would not the Regent be equally appointed by parliament? By that parliament which is represented as not having any legal right to appoint him? The only difference would be, that he would not be appointed so formally in one case as in the other. For my own part, I have no hesitation in saying, that I consider the mode of proceeding by Bill not only the better mode, but the only mode, that, upon any sound view of the principles of the Constitution, can be adopted. I conceive likewise, that the mode of proceeding by Address, would not establish the authority of the Regent so firmly as that the courts of law would be controuled by it, because having no legislative sanction they would not be bound to take cognizance of his authority. An Address, I admit, may call into activity legal powers already in existence; but cannot, therefore, be considered efficient to call forth or enact any powers not already existing; so that our proceedings in parliament, if we were to adopt the mode by Address, would not, in any instance, be acted upon in a court of law. This, therefore, is a capital objection to the mode of proceeding by Address, but does not hold good with respect to that of proceeding by Bill, to which the Great Seal shall have been affixed. A Bill to which the Great Seal is fixed has all the authority and power of law, so long as it remains unrepealed. The Great Seal, it is true, might be illegally affixed, but no objection of this kind can be made in a court of justice. The manner in which the Great Seal may have been affixed is not properly an object of enquiry in a court of law, but a discussion that can only take place in parliament.

Earl *Stanhope* rose to order; and observed, that if any noble lord, by having mistaken, should be taking a false view of the law of the land, it was perfectly competent to, as it would be the duty, of any other noble lord to set him right. It was to correct the mistake of the noble earl therefore that he had risen to order.

The Earl of *Harrowby*, in speaking to order, stated that the noble earl was certainly not regular in his interruption, because what had fallen from his noble friend, though it might amount to a mistake of the law, did not constitute any breach of order, because, if erroneous, it would be competent to other noble lords to refute it in the course of the discussion.

The Earl of *Liverpool* resumed.—The noble earl will in the course of the discussion have an opportunity of replying to my arguments, if he thinks they are unfounded, either in reason, in fact, or in law. But I will again assert, that the law courts have not competence to object to any act to which the Great Seal is attached, or to entertain any proceeding or averment against its validity on the ground of irregularity or on any other ground. To the courts of law it is an authoritative record, binding upon them to take cognisance of as long as it remains unrepealed, and parliament alone can have power to review or to repeal it. I cannot express my sentiments on the legal efficacy of the Great Seal, better than in the words of the great Lord Camden, who took a main part in the discussions of 1788, and who possessed a particular correctness and accuracy in expressing his sentiments upon subjects of that nature. That great constitutional lawyer has said, "That the "Great Seal was the high instrument by "which the King's *fiat* was irrevocably "given; it was the mouth of royal au"thority, the organ by which the sove"reign spoke his will. Such was its effi"cacy and its unquestionable authority, "that even if the Lord Chancellor should "put the Great Seal by caprice to any "Commission, it could not be afterwards "questioned; though a misdemeanour in "effect, yet it could make letters patent of "such validity, that the Judges them"selves could not call them in question, "If an act of parliament passed by autho"thority of a Commission issued under "the Great Seal, and was endorsed with a "'*Roi le veut,*' it was valid. It must be "received as a part of the statute law of "the land, and could not be disputed."

In illustrating the legal authority of the Great Seal, nothing can form a more striking proof than the effect of its annexation to an act passed towards the close of the reign of Henry 8, where the royal assent was obtained under such circumstances as to render it a matter of doubt whether the assent was duly given. Yet notwithstanding such doubts that act remained in force, and was never questioned during the reign of his successor, King Edward the 6th. This forms a striking proof of the efficacy of the Great Seal, when even where it was doubtful whether the royal assent was duly obtained, yet for an interval of several years its authority was not attempted to be set aside. It is only in parliament therefore that the authority of the Great Seal can be questioned or revoked.

From all I have said, my lords, I must conclude, that in case of the personal incapacity of the King to signify his assent, there remains no other mode to provide for the deficiency, but by legislation; it lies only in the two remaining branches to provide for filling up the deficiency; and of this, as I before observed, there are numerous precedents. The principle of the present proceeding, my lords, goes throughout upon the consideration of the Throne being full—that the Courts of Justice are open—that all the Commissions from the crown are in full force—and that the state is alive in all its parts. In the much vaunted precedent of 1688, the case was far otherwise—the throne was vacant; the courts of justice were shut; the Great Seal was destroyed. Under these circumstances, there was no alternative; parliament had then no power, no authority to legislate, and they of necessity had adopted that mode under the circumstances which appeared to them most beneficial to the state; they adopted it on the exigency of the case.—Upon this subject I am ready to admit that if the King be capable, the two Houses have no power to legislate without his authority; but if he be incapable we have no other means of legislating but by putting the Great Seal into activity. The common rule and constitutional principle, is not to legislate partially if you can legislate generally. If you have a natural defect in one branch of the legislature, then you must come to that point which is nearest to the power of the whole three, in order to complete an act of authority by that which remains. We must either pursue that mode of legislating, or do nothing at all. We must exert our legislative authority by the best means and forms which we have, and we shall have then the satisfaction of knowing, that our act of authority cannot be disputed, except by parliament itself upon reasonable grounds. We must come to that course of proceeding which bears the greatest analogy to the constitution of the country. In 1688, the States were constrained to act without the Great Seal, there being then no King in whose name it could be used, and even the Great Seal itself having been carried off and destroyed by the abdicating Prince. And the forbearance of the Convention in that case to employ the Great Seal, or to take any proceeding under its sanction, is no mean proof of the validity and efficacy that was at the time ascribed to it. The Convention, therefore, had no other course to pursue but to proceed by Address; yet, surely when all the circumstances of that and of the present period are considered, it will not be contended by any noble lord, that the precedent of the proceeding by Address in the year 1688 applies to the present case.

Another instance, my lords, which has been adduced of the mode of proceeding by Address, is the well-known case of the Irish Parliament in 1788. That body was pleased to determine on the mode of Address; but to the immortal honour of the noble marquis (Buckingham) who then resided in that country as the representative of the sovereign, and whom I am sorry not now to see in his place, he withheld from it every sanction in his power, and even refused to transmit the Address to this country. But, my lords, a material consideration arises out of this proceeding of the Irish Parliament. On the discussions of the question of an incorporating Union with that country in the year 1799, it was argued in support of that measure, that this very proceeding of the Irish Parliament in 1788 by mode of Address might lead to a separation of the two countries, inasmuch as the legislatures, in their separate state, may in the recurrence of an event hereafter, choose a different person to fill the office of Regent in Ireland, and to fill the office of Regent in England. The force of this argument was admitted, even by the opposers of the Union, to be so far as it went a conclusive argument, and it was only to be got rid of by their proposing to make provision that in all such cases, the Regent for both countries should be the same.

But, my lords, I contend, that the precedent of 1788 in all its points and bearings, is the only one which, under the present, or precisely similar circumstances, should legally and constitutionally govern our proceedings. It was amply and fully discussed in both Houses of Parliament at the time, and the Resolutions which I have the honour this night to submit to you, were carried in both Houses by considerable majorities. In addition to what I have already adverted to on this head, is the consideration, that in pursuance of the Resolutions of both Houses, parliament was opened by commission, under the Great Seal, on the 3d of February; and it is well known, that towards the close of that month his Majesty happily recovered; and, on the 10th of March, Parliament was regularly opened by a commission, under the accustomed formalities, the commission being signed by his Majesty. But in the first commission, I should state, that the cause of the meeting of parliament under such circumstances was duly stated. In the regular and ordinary commission for opening the session on the 10th of March, the former commission was referred to and recognised, as appeared from the then Lord Chancellor's Speech to both Houses in the name of his Majesty; the former commissioners were continued in the commission of the 10th of March, and the acts and proceedings under the former commission were recognised and confirmed by that issued in the customary way, and signed by his Majesty himself. In the interval between the commissions a variety of legislative proceedings had taken place, as private bills for which petitions had been presented in the usual way, and some of these were considerably advanced in their progress. Were the former commission, to which the Great Seal was affixed not on the personal authority of his Majesty, but on that of the two Houses only—held to be invalid, or illegal, or not sanctioned as it afterwards was, what must have become of all those various acts to which I have alluded? If ever it were thought doubtful, all those proceedings must have fallen to the ground, and must have been commenced anew. But the fact was the reverse; all these bills were taken up in the stages in which they were found by the second commissioners, and were afterwards passed under its authority, and under these acts, so passed, a considerable portion of property was now held. These circumstances proved that a full parliamentary authority, duly sanctioned by the King, was given to the proceedings adopted, in the first instance, by both Houses—indeed, it was constituting it a complete proceeding of parliament. With this great and incontrovertible authority before our eyes, can we hesitate a moment as to the course of proceeding we ought to pursue? as to our decision upon the legal mode of filling up the deficiency which now exists in the government, and of giving effect to the royal authority, when we have the deliberate sanction of both Houses upon the case before us, and not only this, but the full authority of the three branches of the legislature? Upon this view of the case, my lords, I am at a loss to conceive how there can exist any difference of opinion. Upon the question of future proceedings, I mean not at present to observe. I wish that the question respecting the Resolutions now before you should rest upon its own merits. I think they involve one of the greatest and most important questions ever discussed in parliament—they involve the most essential rights of the legislature—they involve the most essential interests of the throne—and in these considerations, they involve every thing most dear to the liberties of the subject—most important to the preservation of the constitutions. Their adoption would, in my firm conviction, afford the best security for the welfare and prosperity of the country, and hold out the most effectual protection for the rights and interests of all classes of the community: for it cannot but be inconsistent with the genuine principles of the constitution and monarchy of this country, that any individual, however exalted in rank or station, should be invested with the powers of the sovereignty without the constitutional sanction and controul of parliament. Under these impressions, and upon the grounds which I have stated to your lordships at such length, I feel myself perfectly warranted in calling upon your lordships, to give by your vote this night, these Resolutions the great sanction and authority of the Parliament of the United Kingdom of Great Britain and Ireland.

The first Resolution was then put and unanimously carried. Upon the second Resolution being read,

Earl *Stanhope* rose. He begged it to be understood, that in objecting to the Resolution then offered to their lordships' consideration, he did not mean to oppose its principle. He was perfectly satisfied, that whenever the regal authority was suspended, the right of providing for such an emergency of necessity devolved on the two Houses of Parliament. His objections to the Resolutions he should presently state. He had thought that the noble Secretary of State would not have been displeased at the interruption he had given him for the purpose of setting him right, when he was advancing a mis-statement; but the noble Secretary of State had thought it better to proceed, and therefore he did not again interrupt him. He was glad that he had not; for if he had acted otherwise, their lordships would probably have lost some of those special arguments, those extraordinary reasons, which that noble lord had adduced in the course of his speech. He had asserted, that no averment could be made in the courts of justice against any instrument having the Great Seal affixed to it; that such an instrument could not be doubted; and that king James the 2nd, that great law authority, (who their lordships would recollect, had been expelled from this country for his violation of law and misgovernment) had carried away with him that symbol of authority, which was an undoubted proof of its wonderful value! Now, he would put a case, in which it appeared to him that an averment might be made even against the authority of the Great Seal. He did not think that the noble Secretary of State was a thief, but he would suppose him for the sake of the argument, to be one for a few minutes, and that he had stolen the Great Seal from the pocket of the noble and learned lord seated next to him. Having secured it, suppose he should then create himself duke of Flushing, confer on himself a pension as large as the Great Seal could give; and, finally, affix that Seal to a pardon for having committed these acts. Could there be no averment made against such proceedings? That was the law of the learned lord; who, however, was not so learned as his learned friend king James the 2nd. He would, however, call their lordships' attention to the act of the 6th of Anne, providing for the succession to the crown. They would there find a clause relative to the Great Seal, both with regard to the appointment of Lords Justices, and in ordinary cases; and he hoped the noble lord would not prefer the authority of king James the 2nd to the provisions of an Act of Parliament.—The Act alluded to explicitly said, "And be it enacted, that the Great Seal and Privy Signet, now in being, shall be used until the successors to the crown give an order to the contrary." How long, then, was the Great Seal to be considered effective? Why, simply, till an order to the contrary was given by any successor to the throne; and there was an end of the validity of the Great Seal. Nor was there a necessity for the monarch to use it when he was out of the kingdom; for the 22nd section of the same Act says, "That he may use any seal which he pleases, and which shall have the effect of the ordinary Great Seal." With respect to the Resolution, he agreed in the propriety of it as far as it went; because the law, in ordinary cases, had settled the succession to the throne on the Heir Apparent; but he did not know of any act which pointed out the person to whom the kingly power should be delegated in case of the monarch's illness; and consequently none but the representatives of the people had a right to confer that power. On a former occasion, he had voted on the same question, and he would not then trouble their lordships with any argument to prove the propriety of that vote. The Resolution, however, he thought incomplete, and he would shew how it ought to be remedied; he would proceed to state his Amendment, and he then would trouble their lordships with a few further observations. The Amendment he was about to submit to the House, would follow the word "require," the last word of the Resolution before them, and was as follows:—"and until the Houses of Lords and Commons, upon a full and satisfactory proof of the fact, shall have declared that his Majesty is so far recovered as to be capable of performing the duties of his office."—The Resolution would then stand thus:—"That it is the opinion of this Committee, That it is the right and duty of the Lords Spiritual and Temporal, and Commons, of Great Britain and Ireland, now assembled, and lawfully, fully, and freely representing all the Estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to require; and until the Houses of Lords and Commons, upon a full and satisfactory proof of the fact, shall have declared that his Majesty is so far recovered as to be capable of performing in person the duties of his office."—He thought that there could be no objection made to this proposition. It had been agreed that the two Houses of Parliament had a competent jurisdiction under the present circumstances; and whether the Resolution was proposed in a case like the present, or in one whose leading features were weaker, still the right of decision remained with the two Houses, and no where else; for if they had not that right, where was there a power or a court that could decide it? And the two Houses having declared their opinion on the question, there was no authority which could contravene it. No man would contend, that even the authority of the privy council could be put in competition with that of the two Houses. They alone were competent to entertain the subject, and no other power. He thought nothing could be more dangerous than to point out a particular time when the authority of the Regent should be done away, without providing for every possible contingency. He would put a case with respect to *a* King and not *the* King. Suppose six physicians were in attendance on a monarch, and that four of them stated him to be capable of performing his regal duties, and two thought otherwise; though certainly the four would be possessed of the majority, yet it would be placing the legislature in a most extraordinary situation. If two of the four were to be withdrawn, then the votes would be equal, and if three, the two who might think the sovereign incapable would have a majority. The unfortunate illness of his Majesty, which gave rise to the present discussion, put him in mind of one of the most acute replies which he had ever heard. It was made by one of the most learned and able judges this country had ever produced; he alluded to Mr. Justice Burnet. He happened to be in company with a country squire, who asserted that the office of a judge was a silly and useless one, because no case had more than two sides, and it was easy to see and declare whether it was black or white. The learned judge answered that he was very right, there was no difficulty in pointing out what was black or what was white; but the business of the judges lay entirely among the greys. And in the case before them, there were so many shades of difference, such contrariety of opinion, that it was a matter of very great nicety to discriminate between them, and act in the manner most beneficial for the country. No authority in the realm could execute that important duty, save and except the two Houses of Parliament.

The question was then put on the Amendment, which was negatived without a division.

Lord *Holland* merely rose to state his feeling on the occasion, and not to enter into the merits of the Resolution, which was simply a repetition of that brought forward on a former occasion. It was a Resolution upon which there was a recorded difference of opinion on their lordships' Journals; and he always thought it dangerous to debate abstract questions, for the introduction of which there was no necessity. The late Mr. Pitt, who moved that Resolution elsewhere, stated, that it was a matter of notoriety that he had not introduced it for the purpose of provoking discussion. Some persons thought the Heir Apparent had a right to the office of Regent; some thought the right to appoint was vested in the two Houses of Parliament; while others denied that principle, and asserted that it reverted to the people at large. All these jarring opinions, these metaphysical niceties in discussion, resolved themselves into arguments of logic and grammar. But all men knew that there could be but one Regent, and the universal wish was, that the regal authority should be conferred on the Heir Apparent. He should, therefore, feel it his duty to move the previous question on the second Resolution; and should that motion be acceded to, he would then move, "That "the Lords Spiritual and Temporal, and "Commons, of Great Britain and Ireland, in Parliament assembled, should "take such measures as the exigencies "of the case require; and that those "measures should be in conformity with "the principles of the Constitution."

The question was then put on lord Holland's motion, "That the House do resume;" and negatived without a division. The original Resolution was of course carried. The third Resolution was then moved by the earl of Liverpool; upon which,

Lord *Holland* rose and spoke as follows:—My Lords, I now rise for the purpose of proposing an Amendment to the Resolution immediately under your lordships' consideration. But before I state to your lordships the reasons which have urged me to take this course, I feel it impossible not to advert to some of the principles which the noble Secretary of State has made the ground-work of his Resolutions, and to the consequences which must result from an acquiescence in the propositions he has recommended. There are, indeed, some of those principles which I am by no means inclined to dispute; there are others to which I cannot give my assent; but I think I can prove to your lordships, that in the application the noble earl has made of them, he has gained but little for his object; that even if they were all true, they go but little to warrant the conclusion he has drawn, or to sanction the proceeding he has endeavoured to found upon them. The noble earl has laid considerable stress on the first principle or proposition with which he set out. He has contended that the throne is ever full, and cannot be considered at any time vacant; that there exists a material distinction between the political capacity of the Sovereign and the personal exercise of the royal functions. I am well aware, my lords, that there have been periods of our history where this metaphysical distinction was made much use of; and I am willing to allow, that to a certain extent it is founded in truth; but I am sure the noble earl has, this night, drawn no inference from that metaphysical subtlety in any degree supporting the course he calls upon your lordships to pursue. Indeed, without stopping to inquire into the nature of this abstract and philosophical analysis, without attempting to measure or to limit the extent to which it can be carried, I must be allowed to say that the noble earl himself seems to me not to understand the nature of the distinction which he has drawn. If I understand his meaning of that difference, it is this, that the capacity to discharge all the duties attached to the Sovereign power must reside somewhere, and in all cases and in all times, whether that capacity be derived by succession or whether in certain cases it be conferred by the votes of the estates of the realm, or whether by any stretch of illegitimate means it may have been at any time improperly assumed. I, however, contend, that there has been no period of our history, not even those to which the noble earl, with such seeming triumph, has referred, where the sovereignty has been stripped of its just prerogatives, or any man, or any set of men ever before had, or assumed the power of invading its rights.

My Lords; another principle advanced by the noble Secretary of State is founded upon the assertion, that there never has been in this country a Regent that was not appointed by parliament. Although I doubt the justice of this assertion in the extent to which it is carried, I am ready to admit, that by parliament they have been generally appointed—by parliament constitutionally convened—by a parliament full in all its parts—by the three co-ordinate branches of the legislature, King, Lords, and Commons. Coupled with this principle, that the appointment, to be complete, must be the act of the whole legislature, I accede to the other proposition of the noble earl, that in parliament is centered the power of making such an appointment, even passing by the heirs apparent or presumptive of the crown. It is the principle on which the throne of this country is founded—it is the principle by which the right of the illustrious family who now inherit it, is mainly secured. It is that full parliamentary right which not only allows us to overlook the very heir, but which has empowered the legislature itself to confer the powers of the executive authority upon the meanest individual in the state. It is a right; not existing alone in principle, but which has been happily and beneficially exerted in the instance of placing the succession in the illustrious family of his present Majesty. But this right, to be exercised legally and constitutionally, must be exercised in consequence of an act of parliament, and not by the mere agreement of the two Houses of Lords and Commons. And here I must observe, that throughout the whole of his speech, the noble earl has been completely begging the question. He has assumed that the strange anomaly which his proposition contains, that the strange proceeding recommended by him, which has no similitude or analogy with any principle or practice in our constitution, if sanctioned by the two Houses, is to become, to all intents and purposes, an act of parliament. If I could be persuaded, that such an acquiescence on the part of the two Houses, was of the same efficacy as an act of parliament, then, most certainly, could I view a Regent thus constituted in the same light as Majesty itself. But every principle of the constitution, and every record of parliamentary precedent, is hostile to any such inference.

The fourth proposition of the noble Secretary of State is, that there never has been a Regent appointed by parliament who has not been made subject to certain limitations of the royal prerogative, imposed by parliament. Unwilling to anticipate that discussion which, on a future occasion, will most probably take place, I must say, that, in every view I can take of the circumstances of the country, and of the state in which its best interests are now unfortunately placed, I shall certainly feel it to be my duty to contend against the principle of temporary Restrictions being imposed upon the individual who may be invested with the exercise of the royal functions. For although, my lords, I feel the force and cogency of those arguments, which undeniably prove the great and dangerous increase in late times, arising from many causes, of the influence of the crown, I can never consent to impose any temporary limitations on the royal prerogative—converting that which was given for the security and safety of the people into a direct and studied insult against the distinguished individual whom you call upon to administer the important functions of the executive authority.—But, dismissing from my consideration all reference to the feelings or the character of his royal highness the Prince of Wales, I stand up here for the people of England. I contend that these prerogatives have been conferred for their security; that they are a part of their right—that unless necessary to their interests and conducive to their safety, they ought not to exist at all, but being their right, and being necessary for their security and welfare, there exists no other power but that of a full parliament, competent to wrest them from them. Thus much I may be allowed to say upon a point which we shall hereafter have to discuss, at the same time that I dare the noble earl to produce a single instance in which the royal prerogative was suspended or restricted for any given time. It is true, that in cases of incapacity in the personal exercise of the royal functions, arising from absence or infancy, although limitations were fixed upon the lords justices, yet it was only as to those parts of the royal functions which the King was not precluded by absence from exercising as in other emergencies; what was denied to the Regent existed in the Council.

My Lords; having offered these remarks upon what has fallen from the noble Secretary of State, I shall beg leave to state to your lordships the reasons which influence me to oppose the course which he recommends. Your lordships having by your concurrence in the second Resolution sanctioned the right and duty of the estates of the realm to supply the defect of the personal exercise of the royal authority, you are now proceeding to that object. In all common sense, and from any just interpretation of language, that Resolution declares the power of the two Houses of Parliament so to do; and yet, that very thing which you positively declare your competency of yourselves to do, the noble Secretary of State, by another Resolution, calls upon you also as positively to declare cannot be done, without the assistance of something extrinsic of yourselves. Agree, my lords, to this third Resolution, which asserts the necessity of determining on the means how the royal assent shall be given to the proposed bill, and your decision must be involved in the most contradictory absurdity. In what system of logic has the noble earl learned this curious mode of reasoning? No where, I am sure, from the first rudiments of syllogistic reasoning—from the simple syllogism down to the more abstruse propositions of Aristotle. If it be logic, it must be a syllogism, which in the scholastic phrase, 'nullum nomen habet.' What is it but saying, We possess of ourselves a right to do a thing—that right we must now exercise; but in the exercise, it is necessary to resort to something without ourselves. Or to illustrate more fully—we are able to walk upon two legs. We now proceed to walk upon two legs, therefore it is necessary that we use a crutch! Mark, my lords, more closely the nature of the proceeding which you are called upon to adopt. You are asked to agree to a bill which shall empower certain persons to put the Great Seal to a commission, in order to enable certain persons to give the royal assent to such bill as may be hereafter passed to supply the defect in the exercise of the royal authority. The power that you are about to confer does not extend to the withholding of any assent. There is no election given to the commissioners; the assent, and that alone, is imperative upon them. In preference to that unconstitutional, inconvenient and dilatory course, I beg leave to propose an Address to his royal highness the Prince of Wales: and it will be with your lordships to determine in your wisdom, which is the more constitutional, the more reconcileable with parliamentary precedent, and the more convenient to the great objects at this time pressing upon the country. With respect to the mode of proceeding, which is the most constitutional, I must, indeed, have wholly lost one of the three faculties of the human mind, if I am mistaken in thinking, that in order to make an act of parliament the full assent of the three co-ordinate branches of the legisture is necessary, and upon the ground of precedent I think I can point out to your lordships, even in those remote periods to which the noble Secretary of State has referred; and with him I most fully agree, that in those times, the times of the Plantagenets before the accession of the Tudors, or the introduction of the arbitrary principles of the Stuarts, the seeds of that constitutional freedom were sown, which in subsequent periods has been so beneficially cultivated. I say in those times the noble earl cannot find any thing in any shape, in favour of the course upon which he is anxious to proceed. Upon these points I am at issue with him. Upon the principles of the constitution, I ask what is the royal assent? In other words, what is an act of parliament? In giving the answer, I must appear to have stolen it from a humorous pamphlet published thirty or forty years ago under the title of "Anticipation," in which the speeches of several members in the two Houses of Parliament are presumed, and a gentleman, not very conspicuous for diffidence, is introduced examining the parts of the constitution. He proceeds in a very grave manner to ask, Whether it is not a three-fold constitution, composed of King, Lords, and Commons? Yet, my lords, that very proposition, the mention of which was considered as ridiculously unnecessary at that time, we are at this day, by the proceedings of the noble lords opposite, compelled to defend. How has sir Matthew Hale defined an act of parliament? In the forcible language of that great lawyer, it is described as a tripartite indenture. But taking an instance from common life, where three persons are necessary by contract to do an act; from absence, or any other incapacity, it being impossible to gain the acquiescence of more than two of the parties; it is proposed by some that an agent or attorney should be appointed for the third person. What character would be imputed to the proceeding were the two others to declare there was no attorney necessary for the third person, thus incapable, to act—we ourselves will be his attorney? These are the grounds upon which I rest my denial of the competency of the two Houses to pass an act of parliament; but the objection is not confined to general reasoning; it is supported by a positive statute, which declares the assumption of such a power to all intents and purposes null and void. Shall I then, my lords, be told that the judges of the land would recognize that as law which a positive statute declares to be illegal. If the courts below should venture to assume such a power, they would not do their duty, and it would be high time for parliament to inquire into their conduct. By the 33rd of Henry the eighth, confirmed by the first of Mary, it is declared, "That the law of this realm, is "and always hath been that the Royal Assent or Consent of the King or Kings of "this realm, to any act of parliament, "ought to be given in his own Royal Presence, being personally present in the "higher House of Parliament, or by his "letters patent, passed under a Great Seal, "assigned with his hand, and declared "and notified in his absence to the Lords "Spiritual and Temporal, and Commons, "assembled in the higher House of Parliament."—In virtue of this act, by the 1st of Mary, a measure which passed the two Houses of the Legislature with the Royal Stamp affixed to it, was declared to be no act of parliament at all, and that at the time when the judges in the courts were actually entertaining the question. By the 12th of Charles the second, the very assertion, that the two Houses of Parliament are competent to make laws, is a punishable offence, the person so asserting it being subject to the penalty of a premunire. It may be said, my lords, that my mode of proceeding is not free from objection. I acknowledge it. The nature of the emergency is such that there is no course of proceeding altogether unobjectionable; but my proposition is subject to difficulties which will exist for a shorter time; it is most expeditious, it is candid and explicit, not tending either by contrivance, ingenuity or artifice to appear to be that which it really is not.

So much, my lords, upon the constitutional merits of the two modes of proceeding. Let us now direct our consideration to the grounds of preference upon parliamentary precedent. Those in the reign of Henry the sixth, will, I think, go eventually to bear out the line I have recommended. The first interruption in that reign arose from the infancy of the Sovereign, who, I believe, was also out of the kingdom. There was no *Custos Regni* previously appointed. Under these circumstances, the duke of Gloucester was at once constituted the Regent, with the power to issue writs and to convene parliament. But it is necessary to remark, that the nature of these commissions, as well as their practice, was very different in these periods and in the reign of Henry the eighth. The commissioner was considered the 'Locum Tenens 'Regis in Parliamento,' having the power of assent or dissent upon all measures of legislation. This was a power at first irregularly assumed, but which was afterwards indemnified and sanctioned by the three branches of the legislature. The subsequent precedent which occurred during the reign of this weak and unfortunate monarch, arose from accident; the duke of York, the Regent, a character in my opinion, much misrepresented by many historians, having in his possession, at the occurrence of the incapacity, a commission, signed by the King himself, to give or withhold the Royal Assent to the Bills which passed the other branches of the legislature. We now come down to the proceedings of the Long Parliament; a parliament all whose actions have been too indiscriminately censured, but amongst whom I can never forget the great characters who on some occasions took a lead; but even that parliament, in 1641, proceeded to the appointment of a Committee, for the purpose of ascertaining whether, on constitutional principles, the Royal Assent could be given by Commissioners appointed by themselves? That Committee was composed of some of the first lawyers and patriots in our history. On it were Mr. Selden, Mr. Pym, Mr. Hampden, lord Falkland, and Mr. Hyde, afterwards my lord Clarendon; and their report, after the fullest investigation, was, that there was no instance of parliament sitting without its full powers; and that every act was incomplete without the concurrence of the three branches of the legislature. In that moment of popular agitation, when political heat was so much at its height, so careful were these great men not to exceed the bounds of their constitutional duties, that it was not until the parliament had agreed to the abolition of monarchy itself, that they proceeded to the passing of acts of legislation. They never could have lent themselves to the notable expedient of the present day, and by an unconstitutional fiction usurped a power which they knew not to belong to them. Yet, my lords, that which the Long Parliament long forbore to do, and which they did not do, until they agreed to the abolition of monarchy, the noble Secretary of State this night, calls upon your lordships to carry into effect, although another course, free from all the objections to which that is liable, is open to your choice.

If, my Lords, we proceed to the time of the Restoration, we shall see the same principle more fully operative. A whole month occurred between the period of the kingly office being restored, and the arrival of Charles 2. Nothing was received from that monarch but a Letter. The two Houses of Parliament were sitting, and though every man in those assemblies, after the declaration that the constitution of this country consisted of King, Lords, and Commons, were liable to be tried for treason, did they even under such critical circumstances assume the power now sought? Did they apply the Great Seal to any act of indemnity for themselves? No such thing; because they knew, that had they done such an act, the ingenuity of man could not have devised a proceeding which would have more strongly marked a commonwealth rather than a kingdom. At the Revolution, a period to which I can never look but with that reverence and respect due to the sense of those blessings we have derived from the exertions of the illustrious men who took a lead at that great æra; on that occasion, our ancestors proceeded in the line most advantageous and convenient, which was both recommended by the proceedings and precedents of our parliamentary history, and by the principles and the analogy of our laws. They addressed the prince of Orange at once. But, says the noble Secretary of State, the case of the Revolution does not now apply, inasmuch as the throne was at that period declared vacant. Where has the noble earl learned the history of those times? Does he not know that the Address was agreed to by the estates of the Realm, before the question of vacancy was ever even discussed; that the Prince of Orange had actually began to administer the functions of the government before the vacancy of the throne was declared? The noble earl must, indeed, trust much to our want of knowledge, or of diligence, when he can fancy that your lordships can be deluded by an objection so refuted by the very events of that period. When every one of your lordships are aware that at the time the Address was voted, the question of Abdication was kept out of sight, and for this reason, that on that very question of Vacancy, a considerable contrariety of opinion was known to prevail. But, if it should be granted to me that against Address there exists only the same objections as apply to the proceeding by Bill, surely, then, it becomes the duty of your lordships to take the course most respectful to the illustrious Prince to whom the powers of the executive are to be confided, and equally advantageous. Let us act as our ancestors did towards our gracious deliverer, king William, in an open and undisguised manner. Why not in our Address, do as they did, namely, state the provisions upon which we address the Prince, and the expectations we form of his future conduct. Of all modes, that by Bill, I pronounce to be most odious and disgusting to the royal personage, and as to the value of it, let us reflect upon the question where the violation of its provisions would ultimately rest. If a Prince of Wales, whom you agree in some way to constitute Regent, be a personage of a generous and noble nature, Address is the mode most compatible with your sentiments of his high character, while it best corresponds with the dignity of his station. If, on the other hand, he be of a description totally different, the object of suspicion and disregard—an individual whom no engagements can bind, would he not have the power of dissolving the parliament—of adding sooner or later to your lordship's numbers, and ultimately of bringing to punishment those who had the temerity to put the Great Seal to an act sanctioned by only two branches of the legislature?

Now, my lords, it remains for me to advert to the precedent of 1788—to which so much allusion has been made, and on which so much stress has been fixed, in order to decide your lordships as to the propriety of a similar proceeding in the present emergency. I contend, however, that it is not a constitutional precedent, because such a precedent cannot rest upon an incomplete proceeding. It is not reconcileable with those which the wisdom of our ancestors recognized. And, my lords, when we appeal to the wisdom of those who have preceded us, it is not from any imaginary belief that because they have lived three or four hundred years before us, that they are entitled to our implicit confidence; that we their descendents are in a progressive state of degeneracy. Such a speculation may suit with the classical thought—

> Nos nequiores mox daturos
> Progeniem vitiofiorem,

but ill accords with constitutional doctrine. When we appeal to the precedents of former times, it is because we have the authority of the persons who were contemporaneous with its adoption, and supported it, together with the experience which posterity have had of its advantages. Try the precedent of 1788 by that definition, and it must fail. It has only the authority of those who recommended it. It has the authority of Lords Camden, Thurlow, and Mr. Pitt. Of the great men who resisted that very transaction for reasons which your lordships can easily appreciate, I will not trust myself with the recital. There is, however, opposed to it, incomplete as it is, the perfect measure of the Irish Parliament. But to this the noble Secretary of State says—The Irish precedent is not conclusive, in as much as it was opposed by a noble friend of mine, then lord lieutenant (marquis of Buckingham). So that, at the very moment that he calls upon your lordships to declare, that in parliament is centred the right of supplying the defect, he argues against a precedent advanced by his opponent, though carried into effect upon his own principles. He disregards the precedent of the Irish Parliament, which made the precedents of the English the rule of their proceeding; at the same time that he desires you to look at the proceedings of a Scots Parliament, which refused to be guided by English precedents at all. Indeed, it is impossible to overlook the impression which the Irish people must have of the respect paid to their representatives in this House, when it is ascertained that upon the Committee for examining his Majesty's physicians, not a single Irish Representative Peer was nominated. But in 1788 you were at peace—had there existed at that moment the very important interests now urgently pressing upon this country, I am persuaded, notwithstanding the height of political animosity which existed at that period, no such length of time would have been spent in its discussion. Yet with our knowledge of the crisis in which we stand—with the variety of urgent public duties which force themselves upon our consideration, we have suffered a period of double the extent of that admitted by your ancestors to pass without having proceeded to do that which, as was well observed by my noble friend (the earl of Carlisle) constitutes only the groundwork of our proceeding. We had afterwards from the noble Secretary of State a strong comment upon this point. He has ventured to avow that those who were lately the servants of the Crown, have taken upon themselves the power of doing that, which the very course we are now pursuing, proves could not legally be done either without Bill or Address. Does the noble Secretary of State mean to say that we are so fallen in dignity and in feeling, as to suffer the attributes and prerogatives of Majesty to descend into the hands of a faction—that we are to recognize in them the usurpation of the rights of the monarch at the very instant that we are called upon by those who have thus usurped them, to limit and restrict that Prince on whom, at this moment, the eyes of his country are fixed. Numerous, my lords, are the interests which demand the most prompt application of all the wisdom and energy of the country. Amongst those interests our relations with America are of paramount importance. The situation of Spanish America calls also for our consideration. I perceive that the noble marquis (Wellesley) to whose office the attention to those concerns immediately belongs, has not, in imitation of his colleagues, usurped the functions of his sovereign. He has, in my opinion, done most wisely; but when the time shall come for acting upon the state of our relations with Spanish America, I would strongly recommend the propriety of our mediation between those colonies and the mother country.

My lords, I conjure you, exhausted as I am, to consult this night, what is due to the interests of the monarchy, to your own dignity, and to the present critical and awful state of the public concerns. Let every noble lord examine his heart, and he must feel, that if on the first and second adjournments that have taken place, he had been in possession of those facts with which we are now acquainted, it would have been impossible for us to have allowed the delay that has been so sedulously sought for by the noble lords opposite. It is impossible but your lordships must feel, that we have been deceived and entrapped by the delusive and unfounded expectations that have been so repeatedly held out to us. The time for a deep scrutiny into all these proceedings must quickly arrive. The facts with which we are acquainted must compel us to the duty. It is now stated in evidence, taken upon oath before your lordships, that there have been periods, while his Majesty was labouring under that infirmity which subjects the human mind to the ascendency of others, when the royal assent has been given in this House, and many other equally important functions of the sovereign have been exercised in his name. My lords; if that information had been in our possession weeks ago, would it have been possible for us to have assented to the several postponements that have taken place? Is it possible that, with that knowledge now, we should not be impressed with the necessity of adopting measures for the purpose of preventing a recurrence of such a state of things? It is indeed, to the discredit of former administrations, that this remedy has not been heretofore provided. As an humble member of the late one, I take shame to myself that no measures were taken to prevent the recurrence of so awful an exigency, and to prevent the country from being, in the midst of its dangers and difficulties, cut short and deprived, as it were, of all legal authority. This duty, my lords, delicate as it is, must be performed; and the consequences of any dereliction therefrom must be on your lordships or the other House of Parliament. My lords, I have now to move, as an Amendment to the third Resolution, That after the word "Resolved," the following words be substituted:

"That his Royal Highness the Prince of Wales being of mature age, be requested to take upon himself the exercise of the powers and authorities of the Crown, in the name and on the behalf of the King, during the continuance of his Majesty's present indisposition, and no longer.

"That an Address, founded on this Resolution, be presented to his Royal Highness the Prince of Wales, requesting him to take upon himself the Government aforesaid, and that it be at the same time and in the same manner communicated to his Royal Highness the Prince of Wales, that it is further the opinion of this Committee, that it will be expedient to abstain from the exercise of all such powers as the immediate exigencies of the state shall not call into action, until Parliament shall have passed a Bill or Bills for the future care of his Majesty's Royal Person during his Majesty's present indisposition, and the securing to his Majesty, whenever it shall please Divine Providence to restore his health, the Resumption of his Royal Authority."

The Duke of *Norfolk* said he could not avoid rising for the purpose of expressing his approbation, and even his admiration, of the speech which their lordships had just heard from the noble baron. For himself, he was decidedly of opinion that the mode of proceeding by way of Address was the one most suited to the dignity of parliament, and the nature of the occasion. As matters now stood, the Great Seal could not be legally applied. Its virtues did not consist in the metal or the wax, but in its legal application. If Ministers thought proper to lay restrictions on the person called upon to supply the temporary deficiency, why could they not push the principle farther, and in case of a demise, lay restrictions or exercise their choice, as to the successor to the throne. He knew no reason why the two Houses of Parliament should take upon themselves any of the functions of the executive: their duty was merely to see that any deficiency in that branch of the legislature should be immediately supplied; and if they proceeded to exercise any of the functions of the executive, they might as well order the regal sceptre to be put upon the table, and say, There is the King who is hereafter to speak through our mouths. After adverting to the analogy between the precedent of the Revolution in 1688 and the present period, the noble Duke concluded with saying that he should most cordially support the Amendment moved by the noble Baron.

His Royal Highness the Duke of *Sussex* rose and said:

My Lords, I rise not merely to approve of the Amendment, but likewise to caution your lordships to listen with suspicion to any suggestion coming from that side of the House, upon a matter of so high importance, as to be equalled only by the magnitude of the calamity with which we are visited, and which gives rise to this momentous discussion.—Upwards of eight weeks have now elapsed, during which immense period, either the magistracy of royalty has been suspended, or the functions of that authority have been assumed by a Committee of Persons who have no right to exercise them.

I have watched with a jealous and anxious eye, as far as I have been able, the whole proceedings of these late ministers of his Majesty, resolved, when an opportunity occurred, to state my most marked disapprobation of their conduct. You have now, my lords, upon the Minutes of the Secret Committee, many deplorable and most melancholy facts, which affection for my Father, and delicacy, have hitherto prevented my expatiating upon.

However, your lordships may recollect that at an earlier period I did venture to express my anxiety relative to the care of his Majesty's most sacred person, which I should not have hinted at without most cogent reasons. But now that your lordships are in possession of these most important and distressing points, I conceive it my imperious duty to call your most serious attention to them. The fact is unfortunately now but too clearly established of the malady of our most gracious Sovereign. You have likewise upon your Minutes the evidence of the physicians, as to the positive certainty of no personal communication between the Sovereign and his ministers during that period. You also possess the knowledge that every individual of the royal family has been kept from the presence of the King. Can you then for a moment conceive, my Lords, either that his Majesty has a free will of his own, or any will at all? Can you allow yourselves to be told, that you may remain perfectly easy on the state of affairs, as his Majesty's late ministers have executed every measure of expediency, which the pressure of the times required; and which they would have advised, could they have been admitted to the Sovereign? Is this a justification of their conduct? Or can this be a satisfaction to the anxiety of your lordships? How can your lordships know whether his Majesty would have approved of the advice of these ministers, or not?

We have not the right, therefore—we dare not presume to examine this point; but for myself, my lords, I do fairly avow, that I never can admit of such speculative conclusions; although I believe them to be the language and the system upon which this rotten fabric is founded.

My lords, if I understand any thing of the constitution of my country, the ministers of the Sovereign are a set of men whom the King calls to his councils, and therefore are they stiled his confidential servants.—They are to take the pleasure of their Sovereign, to advise him upon all matters, wherein the welfare and interests of his people are concerned, to the best of their knowledge and judgment, for which they are responsible to parliament. In consequence of their representations, his Majesty commands them how to act; and for the execution of these royal commands, they are equally amenable to the Grand Tribunal of the Empire.

Now then, my lords, are we to allow ourselves to be persuaded, dare those ministers assert, that they have acted, as they would have advised their royal master, whom they have not seen for these last eight weeks, with whom they have had no personal communication, who has no free will of his own, and who is separated from all the tenderest ties of nature? My lords, if these late courageous ministers have acted, they have usurped a power which they have no right to exercise. If they have been frightened—if they have hesitated—if they have stumbled, and not acted, why then, my lords, they are equally treasonable for allowing the magistracy of royalty to be suspended for such a length of time, which is a situation the constitution can never know, and, of course, can never acknowledge. It is a shock the most dreadful, the most deadly, the constitution has ever received since the period of the Revolution.

My lords, the sovereign is a sole corporation; he never dies; he enjoys a political immortality. In attempting, therefore, the destruction of this grand constitutional principle, these late ministers of his Majesty have committed a regicide act against the magistracy of royalty.

We have been led into an apathy for these last eight weeks. We have been cheered, amused, and disappointed, with the welcome, but unfortunately fallacious reports of the speedy recovery of our beloved Sovereign. We have been unmanned, my lords, by their working upon our feelings. My lords, I feel as much on this calamitous subject as any noble lord in this House, nay with the utmost sincerity and truth I may add that I feel more; and equally with every one of my relations here present, with whom only on a feeling of this nature I contend for a rivalship of affection, and dutiful attachment towards our Sovereign and father, convinced that such an amiable and amicable contest, of itself, will forge the union of our family, closer, and which will be so forcibly evinced by the division of this night.

But, my lords, my feelings must not get the better of my reason, nor can I separate for a moment the welfare of the constitution from the welfare of the King. They are so closely united, and so intimately connected, that whatever concerns the one affects the other. I presume, therefore, by the measures his Majesty's late ministers have been pursuing, the constitution is in danger; my father and sovereign must stand in the same perilous situation. It is by maintaining such doctrines, and professing such principles as I am holding forth, that I am fighting for the preservation of the monarchical constitution; and watching the interests of the crown with warmer zeal, truer disinterestedness, and greater activity, than ever the King's confidential servants can claim or pretend to.

It is to you, my lords, I look for support in this momentous occasion; for if you have a right, and an undoubted right you have, to maintain your laws, and preserve the constitution against the attempts of any ministerial faction to break through the limitations of the royal power, so are you equally called upon, and I do call upon you to preserve sacred, and prevent any encroachments on the rights and prerogatives of the crown, by a self-assuming committee of men; for, in the security of those rights and prerogatives the interests of the people are as vitally concerned as the welfare of your lordships. This is the actual case, my lords, for, by the conduct these ministers have all along observed, they seem to me to have made a shield of the Sovereign, instead of being the constitutional shield of their royal master.

They seem to me, my lords, as if they were endeavouring to take advantage of the conjuncture to depress the crown, to render it as much precarious and elective as they can, and to raise the power of themselves upon the ruins of monarchy. If the estates proceed by bill, they assume to legislate, without the intervention of the royal authority, which is a violation of the constitution. Besides, if they do proceed by a pretended act of the legislature, they claim to elect the person, who, for a time, shall exercise the magistracy of royalty; and if it is admitted, that the two Houses may thus elect the person who shall for a time exercise the magistracy of royalty, it will be difficult to resist that claim afterwards, at a future period to elect a person who shall permanently exercise that royal authority.

But, my lords, the engagement and pact of society, which generally goes by the name of the constitution, forbids such invasion and surrender. The constituent parts of a state are obliged to hold their public faith with each other, and with all those who derive any serious interest under their engagement; as much as the whole state is bound to keep its faith with separate communities, otherwise competence and power would soon be confounded, and no law be left but the will of a prevailing force. On this principle the succession of the crown has always been what it now is, an hereditary succession by law. In the old line it was a succession by the common law, in the new, or the Brunswick line, by the statute law, operating upon the principles of the common law, not changing the substance, but regulating the mode and describing the persons.

My lords, I hear of restrictions in the Regency. I say, my lords, these restrictions cannot, must not be. If you feel the necessity of a Regent, he must have full powers, and not be the very mummery or mockery of Royalty, which is the system ministers are anxious to adopt. He must be, my lords, an efficient magistrate, with those prerogatives which the common law of England assigns to a King, and which the people of the United Kingdoms have a right to demand. The law has frequently provided the remedy of a Regency for the infancy of our Kings.

So if a King should fall into such an unfortunate situation as assimilates him to that position, then the estates of the realm may upon the parity of the case seek the remedy provided for an infant, and lodge the power in a Regent. And as in the weakness of infancy, a Prince Regent has always been in law the same person with the King, who has not, or from misfortunes cannot have a will, therefore the Regent's will, is the same as the King's will, and consequently the power ought and must be the same. But with this security, that in the exercise of his important functions, the right of the Sovereign is owned by the Regent to remain in the King, and that he becomes the crown guardian of those rights.

My lords, I have delivered these opinions of mine, from the most conscientious motives of dutiful affection and attachment to my sovereign and father;—from sentiments of the sincerest and most ardent devotion to the constitution of my country.

From a variety of causes, my lords, I happened to be upwards of 18 years, during the progress of an awful and calamitous Revolution, on the continent. Wherever I flew from this Hydra it followed me. I watched as much as I could the rapid strides it was making over the whole of Europe; and my observations have invariably been that the constant and successful forerunner of the downfal of every government was, either the bringing the magistracy of royalty into suspence or disrepute, or the inflaming, injuring, and prejudicing the minds of the people against their Sovereign and his heirs.

God forbid, my lords, that I should ever foretel such a calamity to my country; but, my lords, I hold it as a most sacred duty to warn you of the dangers which surround you at this moment. We have an excellent constitution, erected on the basis of a glorious Revolution, formed by experience, and beautified by time and cool reflection. So masterly are the three component parts equipoised, that whatever should be an encroachment on one of the three branches, would carry with it the downfal of the two others; and thus the entire destruction of this wonderful fabric, the sublimest proof of the mercy of providence, and the noblest specimen of the wisdom of man, would inevitably ensue.

Feeling as I do at this moment, my lords, I cannot conclude otherwise than by imploring your lordships to pay your most serious attention to a subject, in which the vital parts of our constitution are concerned, and in quoting the words of a late and learned lord, who filled the woolsack at the former and similar momentous period of 1788—"May God forget me, if I forget my King."—And to which pious and fervent ejaculation, I must farther add with equal devotion—May God forget me, if I forget the constitution of this country—That constitution which placed my family upon the throne of these realms; that constitution which has been long our pride, and the envy of all surrounding nations, and for the want of which blessing they have all been confounded into one horrible mass of anarchy, ruin, and despair, while we stand secure from revolutions, firm as a rock; as a great beacon of civil, constitutional, and religious liberty, in the midst of a subjugated and desolated world; that constitution for which my family have pledged themselves to live, and die.

Lord *Mulgrave*, in alluding to the speech which their lordships had recently heard from a noble baron on the other side of the House (lord Holland), observed that that noble lord had attempted to shew an analogy between the period of the Revolution of 1688 and the present time. He was confident, however, that no analogy could be said to subsist between these two periods. At the Revolution of 1688, the royal authority was suspended, the King had actually abdicated his throne; but there was at present no vacancy of the throne, there was merely a temporary interruption of the royal authority. In 1688 there existed no executive authority; there was no Parliament. That precedent had, however, been much dwelt upon by the noble baron, (lord Holland), but there was this great difference between the circumstances now existing and those which distinguished that period; that there was not at that time an existing parliament; there was, as it were, a dissolution of the ordinary constituted authorities in consequence of the vacancy of the throne. The noble baron asked with great triumph if the Convention Parliament at that period had waited to declare the throne vacant; if they did not proceed in the first instance to address the Prince of Orange, to take on him the administration of the executive government? Certainly they had done so, and that too in the first instance; but let it be remembered, that, notwithstanding the very great urgency of the occasion, and the imperious necessity which then enforced dispatch and decision, still they did not take that step without some hesitation. A great law authority, lord Nottingham, had entertained and had expressed, great doubts upon the expediency of such a proceeding in the first instance; but in their subsequent proceedings, when they had more opportunity for deliberation, and when their proceedings must have been more duly and maturely weighed and considered, what was their first course of proceeding? Their first determination after the address was, that the King had abdicated the government, and after they had come to that resolution, the next, flowing as an immediate consequence from the former, was, that the throne was vacant. By thus declaring the throne vacant, they devolved upon themselves the right of supplying that vacancy. They thereby declared their right of appointing the King and Queen, and accordingly they did, by their own free and voluntary act, fill up the vacancy, by nominating the next immediate heirs of James 2 in the Protestant line of succession. Their lordships were attached to the Revolution, and it was but natural that they should be so. There was likewise indeed throughout the country an enthusiastic, perhaps what might even be called a bigotted attachment, to the Revolution; but while he felt as he did, with respect to that glorious event, he warned their lordships not to let it be cited as an authority in support of a proceeding incompatible with its true principles; one of which was the right of the two Houses of Parliament to supply any defect that may occur in the exercise of the royal functions. If they were to admit it as a precedent, let it be only where similar circumstances made it applicable. With respect to all that had been said about the Great Seal, in reference to the Revolution, he contended that it did not apply, as there was then no Great Seal in existence. And if the two Houses proceeded at that period to create a Great Seal, in whose name could they have created it? There was then no King. Whereas his present Majesty was at this moment as much and as truly King of this country as at any time during his reign. But, he would ask, what were those doing who proposed to proceed by Address?—they were endeavouring to establish a precedent unknown to the constitution of the country. He challenged any noble lord to furnish one instance in the history of the English Parliament, in which a Regency was appointed by a direct Address in the first instance, to the person to be appointed Regent. It was an old constitutional maxim applicable to all cases of necessity, that what necessity creates, necessity should limit. Where would be the necessary limitations or the security for them in the proceeding by Address? There were two instances in the reign of Henry 6th, of the appointment of a Regent, on account of the incapacity of the monarch. He alluded to the instances of the duke of Bedford being appointed Protector, and also to that of the duke of Glocester being appointed Regent. (Here some noble lord said by way of correction, "the duke of York.") He believed he was correct. He did not allude now to the late, but the earlier part of the reign of Henry the 6th. The dukes of Bedford and Glocester were the surviving brothers of Henry the 5th, and inherited all the national zeal and virtues of that popular and magnanimous prince. Of such men the country could entertain no unworthy jealousy; it must rather have had every confidence in their discharging the duties of their high trust with fidelity; and yet so necessary was the interposition of the royal functions thought to be to the constitution of a regent, that Henry the 6th, who was then but nine months old, issued his commission under the Great Seal, in which he declared his own incapacity, and appointed his uncles to act for him. In a much later period of the same reign, in the thirty-second year of it, and in circumstances beyond comparison more critical than the state of things at his accession, when the unfortunate monarch was visited by a malady which disabled him from discharging the duties of the monarchy, he again declared in another commission his own incapacity, and nominated under the Great Seal the Duke of York as his Regent. He had heard a great deal upon a favourite position with some persons, as if the two Houses were but a mere convention of the three estates of the realm. He thought them something more, and considered them as nothing less than the two Houses of Parliament. We had had Convention Parliaments, but if the Parliament called under the commission in 1789, was to be considered in immediate reference to the mode of calling it but a Convention, he would ask, did that Convention derive no constitutional stamp from the sanction given to it by his Majesty's approbation of it, by the manner of its summons, and the nature of its proceedings. He contended that it derived such sanction from the speech delivered by commission after his Majesty's recovery. Upon this point, however, his noble friend (lord Liverpool) had been so very full and unanswerable, that he should not weaken the impression by commenting further upon it. It had been objected, indeed, that that speech was to be considered only as the speech of the ministers? Undoubtedly it was so to be considered while it was under the discussion of Parliament: but he contended, that, after it had passed through that discussion, and had been adopted by parliament, it became, from that moment, a public record, and was to be consulted and referred to as such. What might they presume would be the first step which his Majesty would take? Would it not be to open his parliament? Were not the two Houses now assembled the King's Parliament? Were they not constituted by his writs and summonses? Were they not convened by his proclamation? And did they not meet on the very day on which his royal proclamation commanded them to assemble? In 1789 the Parliament was opened by commission under the Great Seal. Upon the subsequent recovery of his Majesty, the royal sanction was unequivocally given to that exercise of the Great Seal, by virtue of which, during the King's illness, that Parliament had been opened. He was aware that the question now before their lordships did not immediately bear upon the question of restrictions; but this he must take the liberty of saying, that in all the Acts of Regency which he had been looking over, and he had looked into them all, in the preambles to all, the grant of the power was made with certain conditions and limitations. He therefore concluded, that such restrictions being conformable to constitutional practice, were not degrading to the royal authority. He contended that the precedent of 1788 had been so far acted upon, as to be an authority diametrically opposite to the proposed proceeding in the present instance by Address. Upon the inexpediency and impropriety of such a mode of proceeding he felt stronger than he wished to express himself, because he was anxious not to revive that spirit of animosity, which unhappily prevailed too much at that period. So strongly did he feel such a course of proceeding to be opposed to his sense of his public duty, that he acknowledged it must be a hard alternative, which he should not prefer to the adoption of a line of proceeding which appeared to him to be so unconstitutional.

His Royal Highness the Duke of *York* rose and said:

However unwilling I feel to trouble your lordships, or to encroach upon your time, I cannot but consider the present, an occasion upon which I owe to myself, to state the grounds which influence my conduct in the vote which I shall give this evening.

I have, under the present melancholy circumstances, felt, as I did, under those of the same painful nature which occurred twenty-two years ago, that it would be weak and unbecoming to shrink from the public assertion of principles which I then entertained and supported, and in the maintenance of which I have been confirmed by subsequent consideration and experience; nor am I, I can assure your lordships, guided in the line which I am induced to take, by the fear of appearing inconsistent, for, if any consideration, carrying conviction to my mind of the fallacy of former opinions, had produced in the interval, a change in my sentiments, I declare that I should consider it as mean and unmanly, to hesitate a moment in candidly admitting such to be the case; but I continue deeply impressed with the opinions I then held of the mistaken principle, the dangerous tendency, and the eventual mischief of the measures which are now proposed, and I am led by every feeling of duty and attachment to my beloved father, of solicitude for the preservation of the rights of the crown, and of regard for the constitution of these realms, to deprecate the adoption of a course which appears to me highly detrimental to objects so justly dear to us all.

No individual can feel more than I do, my lords, the critical situation in which this country is placed, by a calamity which none can more seriously deplore; serious as the difficulties appeared upon the former occasion, they are greatly increased upon the present, by the pressure of the times, and by the arduous, yet proud struggle which this country is supporting, not solely for its own honour and independence, but for that of the only people on the Continent which scorns to submit to tyranny and oppression.

Ours is a choice of difficulties, my lords, and imperious necessity alone can warrant the steps we are about to take.

With these principles, my lords, I most conscientiously and cheerfully gave my vote for the adjournment, in the hope that Divine Providence might still avert the manifold evils of which I foresee the occurrence, by restoring our beloved Sovereign to his attached and afflicted people, before any decided measures were obliged to be taken; and with the same principles, my lords, I do not scruple to say, that in my anxious wish to allow every possible time for his Majesty's re-establishment, I should have readily voted for a further adjournment, if such had been proposed by those who have been in the enjoyment of his Majesty's confidence, and to whom I give credit for a disposition not to run too great a risk of incurring any serious difficulty or embarrassment to the state, by postponing to too distant a period the consideration of measures, which must, under the continuance of these melancholy circumstances, become ultimately necessary.

Unfortunately that period is now arrived, and anxious as I should be to see that necessity averted, eagerly and joyfully as, I repeat, I should hail the day when it ceased to exist, yet, after the evidence of his Majesty's physicians, which lies upon your lordships' table, I am far from wishing to sanction by my vote any impediment to the general and indispensable object.

But, my lords, I object to the mode and the principle upon which it is proposed to carry that object into effect, as being, in my opinion, unconstitutional, derogatory to the dignity of the crown, and subversive of those rights, which, if they are indirectly infringed in the person of the King's substitute, will no longer be in the same degree secure from direct attack.

I deny the authority, the validity of the principle by which two estates of the realm can substitute a phantom for the prescribed reality, and can assume to themselves a power of establishing an act for which, by the principles and the acknowledged forms of the constitution, the sanction of the third, still existing, although actually dormant, is particularly required; and I therefore adhere to that mode which is not liable to the same objection, I mean an Address, submitting the Resolutions, if such are considered to be necessary, which may have passed, and which, being accepted by the Regent, will not be less binding upon him, or might at any rate be made so by a subsequent act, when the third branch of the legislature had been restored to activity.

Having thus briefly stated to your lordships my objections to the form of a Bill, I must add, that I feel equal repugnance to any restrictions, which it may be proposed to impose upon the exercise of the power conferred upon the Regent during the continuance of the present calamity, for I do not reckon an arrangement for the care of his Majesty's person as a restriction on the Regent; I consider them not less dangerous in principle than in precedent, and I conceive these are not the times when the executive power, already subject to difficulties from its temporary nature, (and temporary I trust in God it will prove) should be still further embarrassed and weakened by restrictions, which are not less unbecoming than I am persuaded they would prove unnecessary, for I trust and believe that the Prince of Wales, being entrusted with the full exercise of that temporary authority, will feel that it is consistent with his own honour and future interest, as well as with every principle of duty and attachment to the King, to conduct himself in such a manner as to restore that authority to his father, free from abuse, and unfettered by any act which shall have been inconsistent with the principles upon which it has been hitherto exercised, or embarrassing to it on the resumption of the administration.—The merits of the present question, upon which I have briefly, and, I fear, very imperfectly, delivered my sentiments, have been, and will be so ably and fully discussed by others of your lordships who are more competent to the task, that it now only remains for me further to declare, which I do most solemnly, that in the line which I have taken, I am wholly uninfluenced by any other consideration than a conscientious principle, originating from conviction in my own breast; that my object has ever been, and ever will be, to support, by every means in my power, the true interests of my beloved parent and sovereign, and of his realms, which I must ever consider as one, and to prove that I never have suffered, nor ever can suffer any personal consideration, or any view of future prospect, to weaken those feelings of duty and attachment which are natural to every son, and which are indelibly impressed on my mind by every sentiment of the warmest gratitude and veneration for his person, as well as humble admiration of those virtues which have marked his public conduct, not more than they have adorned every act of his private life.

The Earl of *Moira* said, that he hailed with satisfaction and joy the sentiments which their lordships had just heard from the two illustrious dukes who had spoken, as a sure pledge, at once, of the propriety and safety of the course of proceeding recommended by his noble friend, (lord Holland.) In receiving that testimony, he indulged in the sincerest joy, in reference as well to the manner of the assurance, as to the quarter from which it came. Twenty-two years ago, he had had the honour of submitting to their lordships, an Address similar to that which was now proposed; and upon a patient review of the principles of that great question; upon the coolest consideration of its consequences; and the most jealous examination of his own motives; he was free to say, that his opinions remained unchanged. With respect to the precedents cited by the noble baron, (Mulgrave) he had this plain answer to make, that where such cases occurred, under circumstances distinct from, or opposite to the present, he should throw all of that description out of his consideration, as totally inapplicable to the question before their lordships. There was no circumstance which could possibly occur against which he was so desirous to guard, as the assumption, on any pretence, or on any occasion, by either or both Houses of Parliament, of any of the peculiar functions of Majesty. Did the noble Secretary of State conceive that any thing could result from the measure which he had now proposed, than the ultimate and total destruction of the monarchy of this country? Nay, did he not contemplate in the adoption of such a line of proceeding not only its ultimate and total, but even its immediate downfall? Once sanction the proposition of the noble Secretary, and the very prerogative of the crown itself would become an instrument, and an obedient instrument, too, in the hands of any person who might have secured a majority in the two Houses of Parliament, for the destruction of itself. Then would the royal functions become a shield to the servants of the crown, instead of the servants of the crown operating as a shield, as they ought to be, to the royal authority. The Address which had been proposed would completely reconcile the rights of parliament with the privileges of the executive power. But the noble lords on the other side seemed to overlook the most material circumstance in the mode of proceeding recommended by his noble friend (lord Holland). He did not question the right of parliament to decide as to the best mode of supplying the deficiency; he only contended, that this adjudication would be best secured by Address. The very terms of the Resolution proposed by the noble Secretary, as well as the Amendment, expressed the right of the two Houses of Parliament, the necessity under which they were now placed, and even proceeded to the designation of the Regent. There was, however, in one respect a prodigious difference between them. By the course proposed by the noble Secretary, great delay had already taken place, and much greater delay must still ensue. The Amendment proposed by his noble friend, on the other hand, was calculated to prevent all further delay. The noble Secretary had no doubt spoken out his object fairly and honestly, and had acknowledged, that in proceeding by Bill his intention was to propose limitations on the exercise of the executive functions in the hands of the Regent. That is to say, that he meant to impose limitations on the exercise of those powers which were intrusted to and did exist in the Sovereign for the service of the people. Was this a moment, he would ask, at which any of those energies, which in ordinary times were expected to be found in the executive department of the state were to be weakened or abandoned? The noble Secretary had stated his royal highness the Prince of Wales to be in his contemplation, and, in fact had designated him as the person on whom he should propose that the office of Regent should be conferred. He (lord Moira) did not believe there was in this country a single man weak or wicked enough to propose any other person except his royal highness, as the depositary of the powers of the throne at such an awful crisis. Yet what was the way in which the noble Secretary proposed to call on him to enter upon the discharge of those important duties? They requested of him to free them from the dilemma in which they were involved, and yet they did so in a way which could not but be the most galling to his own feelings. They told him they had no other resource but in him, and yet by loading him with restrictions held him out to the nation as an object to be regarded with suspicion, as a person not fit to be trusted with the powers of the state. It may be said, that there are regulations, which regard to the personal convenience of his Majesty's person may render necessary to be adopted, particularly as to the care of his Majesty's person. Be it so; but would the noble secretary wish to deprive his royal highness of the grace of abstaining from the exercise of powers which it would not be proper or becoming in him to assume. These were considerations which might surely be safely reserved till after the deficiencies in the executive government in other respects were supplied. Was the Prince of Wales a person proper to be appointed Regent of these kingdoms? If so, surely he could not be suspected of withholding his consent from any step thought necessary for the accommodation of his royal father. And if such were the case, was it then becoming that he should be held out to public observation as an individual who deserved to be suspected, or who ought not to be trusted? His noble friend (lord Holland) had detailed in an admirable manner what the country was suffering, and was still likely to suffer, from the delays in supplying the deficiency in the executive government. The noble Secretary, however, had argued that no material inconvenience had hitherto arisen. He could not agree in this assertion of the noble Secretary. It was impossible to look around, and not to be sensible that inconveniences arose from it every day. How many thousands of manufacturers were reduced, at this moment, to the greatest difficulties and distresses, from not seeing in what channel to turn their speculations. These persons were not to be contented by the ministers holding themselves up as the sovereign and usurping the functions of the executive. The noble Secretary and his friends no doubt considered themselves as possessing the light and briliancy of the sun, capable of directing every thing aright.—He could not say that he (lord Moira) estimated them as being composed of metal of such high value or lustre. They no doubt possessed an excellent currency, if the House chose to take it on their own word. Could they stand up in that House, and say, however, that there was no inconvenience from the suspension of the royal functions for so many weeks? The very circumstance of such a suspension, he submitted was of itself a sufficient inconvenience. A noble and royal duke (Sussex) had admirably stated the inconvenience, by referring it both to the statute and common law of the land. There was at present no chief magistrate of the country existing in effect in the contemplation either of the statute law or of the common law; and if matters should be carried through in the way proposed by the noble Secretary and to the extent he wished, by the imposition of limitations on the Regent to be appointed, there would then be the most weak and incapable government which had ever been at the head of the country, and that, too, in this most awful period of difficulty and danger. The noble Secretary had indeed stated the situation of ministers to be embarrassing, and the choice of the mode of proceeding to be one of great difficulty. With great submission, however, the difficulty only proceeded from his chusing to deviate from the plain and obvious tract, and pursuing a course perfectly inapplicable to the emergency. It was entirely from noble lords on the other side wishing to assume to themselves the office of chief magistrate, that the difficulty they now complained of was raised. The evil was corrigible, but it had not been corrected, it was remediable, but had not been remedied. Some time ago they might have been under some difficulty in ascertaining the course that was to be pursued, but the moment the exigency was announced the difficulty ceased. From the moment they knew that the functions of royalty were not entire, and could not be discharged, it was the duty of the noble Secretary and his colleagues to have acquainted parliament with the melancholy fact, and to have proposed steps for supplying the deficiency. From that moment a strict and defined line of proceeding was open to them, and from that moment every step which they took, and which was not in the course of that strict and defined line, was criminal. He never could allow of a prospective or deliberative necessity, and therefore when the incapacity was ascertained the line of their duty was obvious. It was a constitutional principle established in the law of this country, that the monarchy could not be suffered to remain suspended even for a moment; and the instant it was found to be suspended, that instant did its functions devolve on him to whom by the line of succession it would naturally descend. Ministers, however, had culpably neglected the duty they owed to parliament and to the country. They had, instead of communicating the real state of the case to parliament, on which had devolved the right of providing for the deficiency in the executive, resorted to every artifice to promote delay, whilst in the mean time they possessed themselves of all the powers of the government. He had called them ministers. He was wrong. They were no longer ministers. From the moment the royal incapacity was declared and the examination of the physicians was laid on their lordships' table, from that moment they ceased to be ministers—they retained no more right to the possession of their offices than the usurpation of the royal power enabled them to maintain. The noble Secretary had justly complimented the Prince of Wales on the amiable and valuable qualities which he was known to possess. This recalled to his recollectoin a story told of Don Carlos, son of Philip king of Spain, who had been complimented by the executioner immediately before he proceeded to strike off his head. He did not mean this as an invidious comparison, but still he could not but consider it as in some respect a parallel circumstance. The noble Secretary, while he panegyrized the Prince of Wales, took a step the most adverse to his interests and dignity, and also the most adverse to the constitution of the country. A noble and learned lord (Eldon) the other day had laid it down as a maxim of the constitution that "the King never dies." What, he wished to know, was the meaning of that expression? It was most important that it should be known. The meaning of this maxim was, not that there was no chasm between the demise of one king and the accession of his successor; but that the great principle of this monarchical government was, that the throne was ever full—that the heart, the vitality of the regal state, was never extinct—that it always possessed a power of resuscitation, to restore and right itself under any pressure or emergency. This principle it was which their lordships were bound to support as well from a regard to their own preservation as with a view to the welfare of the people. Upon this ground then he must support the amendment of his noble friend, calculated as it was to render this power and principle of the constitution at once entire, by reviving the royal functions and putting an end to that injurious practice which the House had been indulging of going on without the functions of royalty, by which alone could their acts be rendered legal.

The Address therefore should have his most cordial support, because it would secure to parliament the adjudication as to the right and the necessity of the case; because it would give to parliament the designation of the person to be appointed Regent; and, because it would enable parliament to attain its object of supplying the incapacity of the King by the shortest course. It would likewise have the effect of getting rid of that habit of doing without an executive power, which, during the course of the last two months, had given rise to the practice of canvassing the practicability of going on altogether without the regal authority. When he had heard the statement of the noble Secretary, that no inconvenience had arisen to the public service from the state in which the government had been since the commencement of his Majesty's illness, he feared that it might afford grounds to the Jacobins, if there were such a description of persons in this country, to prosecute their endeavours to overturn the monarchical form of the government. They had thus undoubtedly the authority of a noble lord, who was deeply acquainted with the secrets of government, that the affairs of the country could be administered during the period of six or eight weeks with the powers of the executive suspended. They would naturally observe, if that could safely be the case for six or eight weeks, why not for six or eight months or for six or eight years? Then, when it would come to reasoning with them, they might add, why might not they, as well as the persons in office, become the depositaries of the functions of the executive? It would be natural enough for them to reason thus when they reflected upon the whole tenour of the measures pursued by the government since it fell into the present hands—when they considered how those opportunities, which fortune or providence had presented, had been neglected or lost—when they saw all our allies ruined—our commerce annihilated—our manufacturers starving, and this country left to contend alone against the united force of Europe—when they considered all this, and looked to the persons composing the cabinet, they might then, indeed, say, that they could form as good a cabinet; that they could produce as pretty a bunch of kinglings as the persons who appeared to have assumed and usurped to themselves all the functions of the government. He called upon their lordships, therefore, not to lend themselves to a course which would have the effect of overturning the constitution of the monarchy, the bulwark of their liberties, and which would not only prove destructive to themselves and their fellow subjects, but entail calamities unforeseen upon their posterity throughout ages.

The Earl of *Buckinghamshire* did not mean on this occasion to trespass at any length upon their lordships' time: but in consequence of the unavoidable absence of a noble friend (lord Sidmouth) from indisposition, he was authorised to declare his noble friend's perfect acquiescence in the resolutions proposed by the noble secretary of state. This course he meant also himself to support as the most constitutional guide for the conduct of the House, and founded upon the established precedent of 1788. No subject could have been more ably or more properly decided than that case. It appeared, too, that the question had been decided in another place by a much greater majority than, with all the weight of his talents and character, the late Mr. Pitt, had been able to produce in the former case. The proceeding of 1788, whatever difference of opinion might have prevailed during their progress in both Houses, had also been subsequently approved by his Majesty.

The Duke of *Norfolk* here rose to order, declaring, that it was indecorous to use the name of his Majesty in the manner in which the noble earl had used it.

The Earl of *Buckinghamshire* resumed, and contended that, though he was stating the fact of his Majesty's approbation of the measure purely as the ground of his own opinion, and not as an argument to influence the decision of their lordships, he was still justified in so using the King's name, because the fact of his approbation of the proceedings of that period was a matter of history, and recorded upon their lordships' journals. He respected the Prince of Wales as much as any man, but he was grieved to perceive that this question had been argued not with that regard for the interests of the King with which it ought to have been treated. As the proceedings in the year 1789 had been approved of by his Majesty on his recovery, there was consequently reason to think that the similar course proposed in this instance would equally meet his Majesty's approbation. (Order!) He must again contend that it was regular for him thus to introduce the King's name, because his approbation of the former proceedings appeared upon the records of the House, and any noble lord had consequently a right to refer to it. As to what had been said of the impossibility of sending out reinforcements to Portugal, he would put it to his noble friend whether, if he or any other noble lord had been in the situation of the minister and the safety of the army in Portugal depended on receiving reinforcements, he would not upon his own responsibility have sent them out. He was convinced that he should himself not hesitate in such a case, that he would rather lose his existence than omit to take measures for the safety of the army. The noble earl then observed, that his Majesty's ministers had done, in his apprehension, only what the necessity of the case required—that they had not improperly deferred the necessary application to parliament to provide for the exigency, and that therefore he should on this occasion give them his support, and in supporting the course proposed, should consider himself as discharging a duty to them and to the country.

The Marquis of *Lansdowne* could not but think that the noble earl brought forward a charge rather of a grave and weighty nature against their lordships, namely, that they had evinced great regard for the interests of the Prince of Wales, and little regard for the interests of the King. He could truly say for himself that he, for one, felt the highest regard for the interests of the King, considering them as he did, inseparably connected with the interests of the Crown; and he trusted, he should never again in that House hear it stated that the interests of the reigning King and of the Crown were capable of being separated. Did the noble earl, however, think that the interests of the reigning King or of the Crown were best consulted while a few self-elected persons had presumed to take and keep to themselves the discharge of the regal functions, by adjourning fortnight after fortnight, and latterly, when it was admitted that the deficiency must at length be supplied, instead of supplying it in a legal and proper manner, by adopting that course which was alone calculated to produce delay, and to leave the exercise of the executive functions still in the hands of those self-elected persons for a farther undefined period? Did he think it immaterial by whom the army of the country was to be sent abroad—by whom it was to be recalled from foreign service—by whom the affairs of the government were to be administered—by whom treaties with foreign powers were to be concluded—and whether the laws by which the illustrious House of Brunswick held the crown were to be violated. Did the noble earl think it evinced a regard to the true interests of the Crown, that, while the exercise of the regal functions was interrupted in the person of the King, those six or eight self-elected persons should be suffered to continue in the exercise of them, without authority or title of any kind, except what they conferred on themselves? When the noble earl said, that in proposing the course recommended by his noble friend (lord Holland) they evinced no regard for the interests of the King, the noble earl must have forgotten what the feelings of his Majesty must be supposed to be in the event of his recovery; he must have forgotten what must be the feelings of every Prince of his illustrious house, on the subject of this illegal, this unauthorised and unconstitutional assumption by the former servants of the King, of the exercise of the royal functions. The noble earl had admitted too, if ministers had not communicated the fact of the deficiency in the royal functions to parliament as soon as it consisted with their own knowledge, that, in that case, they would have been criminal. Did the noble earl not see, however, that the moment the states of the realm met, that moment the duty of providing for any emergency that might arise devolved on them, and that it was the paramount duty of ministers to state to the two Houses, that such emergency had arisen the moment it did arise, that they might provide for it? Did the noble earl not see, that if such emergency did arise, and ministers concealed it from the states of the realm on their being assembled, that the two Houses were deceived by them? Did he not see that the right thus devolved on the states of the realm had by the course pursued by ministers been withdrawn from them, and not only so, but that the fact of the incapacity of his Majesty had been industriously concealed and the two Houses deceived, and thereby induced, while in ignorance of the fact, to consent to still farther delay, whereby the suspension of the exercise of the monarchical powers had been still farther protracted in order that the noble lords opposite might retain possession of power a little longer? Whoever had attended to the spirit and principles of the constitution, must be aware, that in this country, while the estates of the realm were sitting, it could not be suffered in case the functions of royalty were suspended, that any emergency should occur which required the exercise of those functions, without a communication on that head being made to the two estates. It could not be denied that one of the objects the most pressing in its nature, the most important in its effects, and the most interesting to the feelings of their lordships must be to ascertain, that the custody of his Majesty's person should be confided during the continuance of his unfortunate malady to proper hands. Was there a noble lord in that House, however, who would state that, at the present day, even after the delays which had taken place, there existed a legal and responsible custody for his Majesty's person? He trusted that the day would come, not only when parliament would make every necessary provision to that effect, but that a retrospective inquiry on this subject would take place; and that if it was true that within these two days a gross abuse as to the care of the person of his Majesty had taken place, by which even as was rumoured, his life had been endangered, such a gross violation should not pass without investigation and punishment. He stated this only as a rumour, which he hoped would prove unfounded, but it seemed to be one of those imperious calls for the vigilance of their lordships in adopting immediate means of providing for the safe custody of his Majesty's person, which could not be passed over.

He was ready to concede that, if this were a case of extreme necessity, which left to their lordships no alternative but to adopt the course recommended by the noble secretary of state, or to permit things to go on as at present without any efficient executive branch of the constitution, they would be imperiously bound to agree to that course. But this was far from being the case; the occasion that called for their interference, though growing out of a qualified necessity, fell greatly short of that extremity which would justify the states of the realm in resorting to any proceeding inconsistent with the principles of the constitution; incompatible with the practice of parliament, and subversive of the primary elements and established system of the monarchical government of this country. To the full extent of the necessity of the case their lordships were bound to go, in providing for the existing emergency, but it was their duty to take care not to trangress the limits of the immediate exigency. Whatever may be requisite to fill up the chasm in the functions of the executive, they would be fully justified under all the circumstances of the time and occasion, in providing. All beyond that would be an usurpation of a power they did not possess, and like every other unconstitutional assumption of power tend to weakness instead of vigour, and finally lead to the overthrow of that fabric of the British constitution which it was their professed object to maintain intire, by supplying the temporary incapacity of one of its members. It was not the least of the difficulties, in which their lordships were involved, that, as the present was a case not provided for by the constitution directly, there was no course of proceeding which they could adopt, which would not be in itself irregular, and perhaps in some degree illegal. But with respect to the course they were on that occasion to institute, he must observe, that it would be highly improper in their lordships to suppose, that it was perfectly open to them to pursue whatever course it may please them to choose. Though the case was undoubtedly one not provided for by the constitution, they were still bound, in making a provision for it, to depart as little from the principles and practice of the constitution as the necessity of the case would admit. In deciding therefore, upon the present question, they were in duty required to attend particularly to two considerations, first, that, as their proceeding in any manner must be irregular, they should take care that the irregularity should be such as would offer the least violence possible to the analogies of the constitution.—Secondly, to weigh well how that irregularity might be rendered most efficient for supplying the deficiency to be provided for. Upon the most attentive consideration of the different modes proposed and the consequences likely to result from them, he was convinced that the mode recommended by his noble friend of proceeding by Address was that, which would offer least violence to the analogies of the constitution, at the same time that it would be most effectual for the object in view, and it was upon this conviction that he felt himself bound to give his support to the amendment of his noble friend. As to the question respecting the analogies of the constitution, he should not trespass upon their lordships' time by going into any detail, after the very able manner, in which his noble friend (lord Holland) who moved the amendment, had reviewed and illustrated all the precedents that could be brought to bear upon that point. He should therefore content himself with referring their lordships to the statement of his noble friend; to the records of history: to all they must read upon this subject for a confirmation of the assertion he was then about to make with confidence, that, previous to the transaction in 1788, there was no precedent to be found wherein the two Houses of Parliament had usurped the controul of the Great Seal without the intervention of a third party, who either had or was supposed to have the right to apply it. Even in the times of Henry the Third, and of Henry the Sixth, when amidst the lamentable internal convulsions and violence of contending factions, the absence of any paramount controuling authority left to the ambitious and turbulent leaders of the day the most favourable opportunities to usurp and abuse the authority of the Great Seal, such had been the rooted conviction, that the power over the Great Seal could not belong to any other than the King, that there was not a single instance to be found, in which it had been assumed by parliament. If then in these times of dissention and intestine broils, every one of the contending factions, which successively usurped all the other functions of the sovereign, had invariably avoided any interference with the constitutional exercise of the power over the Great Seal, could there be a stronger proof, that the idea was never entertained, that either or both Houses of Parliament had any authority whatever to controul or direct the use of the Great Seal? That seal had ever been considered as the symbol of the royal authority; the exclusive appendage to the personal exercise of the sovereign functions, and never under any circumstances within the reach of the two Houses of Parliament. This was the principle of the constitutional monarchy of this realm that governed the analogy of the case, and ought to guide the conduct of parliament on this occasion.

Having thus shewn that the two Houses

of Parliament had never, even in the most disturbed times and under the direction of the most aspiring and turbulent factions, usurped the authority or use of the Great Seal, as was now proposed to be done by the noble Secretary, it remained for him to direct the attention of their lordships to what had been the uniform practice of the crown itself with respect to the use of the Great Seal. It frequently happened, that, during a recess of parliament, the crown upon any sudden emergency felt it necessary to overstep the constitutional limits of its power, and exercise a degree of authority which under ordinary circumstances or whilst parliament was sitting it could not assume without the sanction of the legislature. But had the crown ever on any such occasion applied the Great Seal to such act of power, or attempted to give thereby the validity of an act of parliament to a royal proclamation? Was there an instance to be found of such an abuse of the Great Seal? No. So far from directing the proclamation under the authority of the Great Seal to be enrolled in the Tower as an act of the legislature, the crown, acting upon the necessity of the case, uniformly directed by proclamation the proper measures to be taken for the public service, and afterwards came down to parliament with a statement of the exigency that called for and justified the assumption and exercise of a power not recognised by law or the constitution. Indemnity of course followed, and parliament was never found backward to give its sanction to measures which appeared to have been called for by any unforeseen or unexpected emergency. This was a fair, an open, and a manly way of providing for a public exigency, far different from the course now recommended to their lordships, which instead of meeting the case directly, proposed to provide for it by a fiction, if not a fraud.

With regard to the precedent of the Revolution, it had been contended by noble lords on the other side, that it was not by any means similar to the present case. But this he must strenuously deny. The present case might be considered as one, which had been omitted in the provision made at that period, and consequently should be now adjusted upon the same principles which had then been established and acted upon. Then, as now, there had been a deficiency in the executive to be supplied, different only in degree, because the whole throne was then to be filled, whereas in the present case only a temporary personal incapacity of the King was to be provided for. In principle, the two cases were the same, and he must contend, that the same course ought to be pursued now, which had then been adopted, namely, to proceed by Address. He must here, however, observe a distinction which had been pointed out already by his noble friend (lord Holland) but which it was material to bear in mind, that the Convention in 1688 voted the Address to the Prince of Orange to take upon himself the government, before they declared the throne vacant, whilst the two Houses of Parliament had, in this instance, voted the incapacity of the sovereign before they proceeded to take any step to supply the deficiency. It would not then have been a greater absurdity in the Convention to have used the Great Seal of James the Second for the purpose of filling the throne before it had been declared vacant, than it would now for the two Houses of Parliament to employ the Great Seal of George the Third to supply the existing deficiency of the royal functions, after having voted the actual incapacity of the sovereign. The noble Secretary of State had, indeed, contended, that the object of the Bill which it was intended to propose was, to make that complete by the Great Seal which at present could not be made so. This, however, was impossible. It reminded him of an expedient hit upon at a Westminster election, by a body of men certainly not so enlightened as his Majesty's ministers, he meant the Irish chairmen. These people finding themselves sometimes unpleasantly situated with regard to the police officers, applied to one of the committees of their favourite candidate at the election, to know if there would be any objection to their getting their poles painted like the constables' staves, conceiving that they would then, in any future quarrel they may have with the police, "have law on their side." Thus, the noble lord appeared to think, that by the artificial covering which he proposed to the measure in agitation, he should "have the law on his side." If their lordships, however, wished to lay a foundation for the future usurpation by the two Houses of Parliament of the royal authority, they could not do it better or more effectually than by assenting to the proposition of the noble lord. What, he besought their lordships to consider, would the commission purport to do? By the authority of the two Houses of Parliament to open the Parliament, to hold the Parliament, to stand in the place of the crown, and to do all things for and by the crown, which in all ordinary cases may be done by the crown. Admit such a principle, and it might be applied in future to every illegal act which a more encroaching and ambitious parliament than the present might wish to perform. What was the course recommended to be pursued? In the first place, they had adopted a resolution, declaratory of the inefficiency of his Majesty at present, to exercise the royal functions. In the second place, they had adopted a resolution that it was the right and duty of the two Houses of Parliament to provide for the deficiency thus occasioned. What followed? The very next step they took was to abandon the right, and to forego the duty! To abandon the right, by surrendering it to others; to forego the duty, by leaving the country without an effective government, in a moment of such urgent and pressing exigency. Was this, then, a period at which they ought to leave the government of the country in a state of inactivity—to establish an interregnum? Would this be to discharge that duty faithfully which bound their lordships by every possible obligation to provide a remedy for the evils which arose out of the unhappy calamity that had suspended the functions of the executive? But in looking to the difficulties which they were called upon to remove, it was impossible for their lordships to exclude from their view a reference to the present situation of this country and the existing state of Europe. When they reflected upon the events which had occurred during the last eight weeks, even their lordships must be sensible that no man could possibly foresee what may take place in the course of a very short period, and he would ask what could be their lordships' answer to the country, if they should be overtaken unprovided, by any serious calamity which under Providence may involve the safety of the country? This was the state of things which the proceeding by Address was calculated to rescue them from. The two Houses had amply the means of providing against such an emergency by filling up at once the deficiency in the government. It was as much their duty as their right to do that with the least possible delay. There existed an illustrious person to take upon him the exercise of the royal authority, respecting whom there was no difference of opinion either in parliament or in the country. Why, then, might the country ask, by a tedious form of proceeding should this illustrious person be excluded from the immediate exercise of the royal functions? The fundamental principle of the constitutional monarchy was that the royal power should be vested in a single individual. This was the first instance in the history of the country in which the functions of the sovereignty, instead of being possessed by a single individual, were to be put in commission. This was the first time he had ever heard of the monstrous idea that the monarchy of Great Britain was to be abstracted from the person of the sovereign, and its powers administered by a commission, consisting of several persons. The amendment of his noble friend would go to prevent this anomaly in the practice of the constitution, and was intitled to their lordships' adoption; 1st, because it would make the constitution whole in the simplest manner; and next, because it would, as effectually as any other course, secure the rights of the crown, provision being made in the Address for the complete restoration of his regal power to his Majesty, whenever it should please Providence to grant his recovery to the ardent prayers of his people. It would likewise preserve the happy union of the three branches of the constitution, now attempted to be severed by the course proposed by the noble Secretary, which by sanctioning the usurpation of the royal functions by parliament would tend to the destruction of our mixed constitution, leaving the two Houses a huge trunk without a head,

> ———"facet ingens litore truncus,
> "Avulsumque humeris caput, et sine nomine
> "corpus."

He would again assert, that the two Houses had no right to assume the power of the third branch of the constitution, though they had the right to determine the person that should exercise it. He was, therefore, decidedly in favour of the amendment, as founded on the basis of the constitution—as it secured the rights of the crown—as it did not exclude further regulations, if they were thought necessary—and as the Address would contain a prayer to the Prince of Wales, not to exercise any of the powers on which a difference of opinion might prevail, till such time as they underwent a parliamentary discussion. On such principles as he had contended for, the throne had hitherto been preserved; but if the course proposed on the other side was adopted, it would, in his opinion, tend to its utter subversion.

The Clerk again read the third Resolution.

On the question being put,

Lord *Grenville* expressed his astonishment at the dead silence, which some of the most responsible individuals in the committee held upon this occasion, but most particularly the principal law adviser of the crown, who seemed more than any other person called upon to deliver his sentiments on this important subject. It was vain for him to think, that in any thing he should say, he could supply this deficiency; but still whatever difficulty might be opposed to him, he felt it necessary to express what occurred to his mind on such an occasion.—Notwithstanding all that had been so ably urged by his noble friends near him, the conviction of his mind was still, as it had hitherto been, in favour of the proceeding by bill.—When he rose, however, to give his assent to the measure proposed by the noble lords opposite, he wished particularly to guard himself against any supposition, that it was his intention to defend their conduct. Far indeed was he from any such intention; on the contrary the conviction of his mind was, that the conduct of those noble lords was equally irreconcileable with any notions of consistency or duty. What! could it be considered consistent with any principle of propriety, that these noble lords having as they had in their possession a knowledge of the facts, which had lately been made public—could it be considered consonant with their duty, that they should come down to parliament and by delusive statements and ill-founded delays, induce the House to desert their duty?—to turn their backs thus, at the same time upon their sovereign and their country? He could not for his part concur in the sentiment expressed by his noble friend on the cross bench (the earl of Buckinghamshire) that the delays which had already taken place were meritorious. Meritorious! at a time when it was said that the eyes of Europe, nay of the whole civilized world were fixed with great anxiety on the conduct of the parliament of Great Britain! at a time when the fate of thousands might hang on the decision of an hour! Protraction in such a case meritorious! Why, it was putting to hazard the best interests of the country, and might entail calamity, not alone upon this nation, but upon the whole human race. Supporting, then, as he meant to do, their proposition, he must still reprobate and condemn the accumulated criminality of ministers; he must exclaim with all his might against the usurpation of those arrogant men, who first, since the days of Cromwell, had the audacity to assume and to exercise the functions of the regal authority. With respect to the subject immediately before their lordships, notwithstanding the powerful and seducing eloquence of his noble friends, he could not be persuaded to alter his opinion, that a proceeding by Bill was preferable to that by Address;—an opinion formed in the silence and solitude of self-examination on his most mature view of the theory and practice of the constitution. The present question was very narrow indeed: it had nothing whatever to do with the question of limitations, which must of necessity come before their lordships for subsequent discussion;—with that question it should be fully understood that the decision of this night had no connection. It had been said, indeed, that the proceeding by Bill would occasion much unnecessary delay: he was of a different opinion: but even if the proceeding by Bill should be attended with the meritorious protraction mentioned by his noble friend on the cross bench, that, he did not think, would alter his opinion, though it might place him in a much more difficult situation. Yet it should always be remembered that eight weeks of delay had already elapsed, for which the ministers solely were responsible; as they, by statements and allegations, now proved by evidence on oath to have been incorrect, had prevailed on parliament to consent to that delay. If then a Bill had been brought in at first, as under all the circumstances ought to have been the case, instead of being now engaged in laying the first stone of the building, they should, according to the longest computation of the time of its progress, have at present an existing and efficient government to discharge the various duties of the royal authority—too many in the actual situation of the country for imagination to run through. But by the negligence and misconduct of the noble lords opposite, they had still to begin the task of supplying the deficiency, and that could be done as readily by Bill as by Address, because the mode of Address contemplated a subsequent discussion upon a Bill to settle the powers to be given to the Regent. It appeared to him, therefore, much better to have recourse to a Bill at once, and to adhere as closely as possible to the regular forms of the constitution.

It was unnecessary for him, he presumed, to trespass upon their lordships' time by going into any detailed view of the precedents, which bore upon this case, more especially as those precedents had been sufficiently discussed in 1788; but there was one new case now brought forward, which it would be proper for him to notice. It had been asserted, that in the reign of Henry 6, the royal authority had been conferred on a Regent without the consent of the King, he being then in his cradle; and it was thence argued, that as provision was now to be made for supplying the incapacity of the sovereign, the powers of the executive might be conferred in the same manner upon the Regent without the consent of the King, he being actually incapable of giving such consent. His noble friend (lord Holland) had admitted, indeed, that in the former instance a commissioner had been appointed to act for the King, a circumstance which materially weakened the force of his whole argument. For himself he could say that he concurred intirely in the opinion of lord Camden, that, under such circumstances as the present, the whole of the functions of the executive government are actually suspended; that lord Camden, upon whom the noble earl (lord Liverpool) had pronounced so just a panegyric. It would have been infinitely better, however, if that noble earl and his colleagues had imitated as well as panegyrized lord Camden; if they had taken steps in time for supplying the deficiency of the royal functions, instead of adopting a line of conduct, which could only be considered as an outrageous insult upon the nation, and a barefaced usurpation of the Sovereign's power, by forging his royal mandate and issuing orders, as it was notorious they had done, in the King's name, when it was admitted on all hands that his Majesty's pleasure could not possibly have been taken upon any public measures. If the doctrine of that great constitutional authority, lord Camden, was correct, would it, he should ask, not equally apply to the appointment of a Commissioner as of a Regent? The two Houses of Parliament were, on this occasion, placed in a situation, in which it was impossible for them to obtain the assent of the King to any measure they may think proper to adopt. In the regular and ordinary course of the government, the assent of the there branches of the constitution was undoubtedly necessary to give validity to any public act. Of this no question could be entertained. But, in the present case, from the absolute necessity of the emergency, something must be done of a legislative character by the authority of the two Houses only. They must take upon themselves to do that for his Majesty, which he is unfortunately not in a condition to perform himself, and which no other individual, or body of individuals, could undertake to do for him. They all must be convinced that nothing could be more abhorrent from, or revolting to, the nature of the illustrious personage, who, in the unanimous opinion of both Houses and of the nation, ought to be appointed Regent, than to assume the powers of the executive without their authority; and would it then be to deal fairly by that illustrious person, if, in professing to make him the representative of the King during his incapacity, they were, in place of investing him with the constitutional powers of the monarchy, to arm him with the phantom of an authority which had neither foundation nor existence? His noble friend (lord Holland) in adverting to the Oxford logic, had with great ingenuity derived from the allusion, an illustration of his own argument; that, as the two Houses had already decided that they could go upon two legs, it was absurd that they should, by the proceeding now proposed, be required to call in the aid of a crutch to help them. His noble friend was himself a distinguished proof that the Oxford logic could form an acute parliamentary reasoner. But, however he admired the logic and ingenuity of his noble friend, he could not, in this instance, subscribe to its justice, as he felt it to be most desirable, in the proceedings they may adopt, to adhere as closely as possible to all the constitutional forms of legislation. In either course of proceeding difficulties would be to be encountered; and, in such a situation, it became them to decide for that course, by which they could most effectually attain their object with least violation of the established forms of the constitution. Having shortly adverted to his noble friend's allusion to the Oxford logic, he should beg to remind their lordships, that in that logic was also to be found another form of reasoning, called arguing in a circle. Of this form the mode proposed of proceeding by Address, afforded a complete specimen, as its object was to constitute a Regent, who must derive his authority from the provisions of an act, which act must ultimately be sanctioned by himself.

But, in order not to dwell too largely upon remote precedents, he must beg to call their lordships' attention to the precedent of the Revolution. He had really thought that no fact in history had been more clearly established than this, that the Lords and Commons had, on that occasion, declared the throne vacant before they proceeded to fill it. This was the natural course, as well as that which had actually been pursued, and it was not therefore without surprise that he heard his noble friend express himself, as if he understood the matter differently. It was perfectly true, that an Address had been presented to the Prince of Orange, inviting him to administer the affairs of the nation both civil and military, with the complete disposal of the public revenue, until they should otherwise provide. The addition of these last words proved to his mind, that they had not any intention by such Address to create an estate co-ordinate with themselves; but that, whilst they authorised the Prince of Orange to administer provisionally the powers of the executive, they held it clear, that his authority being derived from, was to depend upon them altogether. Besides, even that prince himself did not feel, that, under these circumstances, he had any thing to do with the legislative authority; and it was made a question in the Convention too, whether he should be made Regent at all, or whether some other form of government should not be established. When the Convention therefore had decided upon the course they would take, they proceeded, as was naturally to be expected, to declare the throne vacant, before they took any steps whatever for filling it. But then it might be asked, why they had not employed the Great Seal on that occasion, as was proposed in this instance? To this the answer was obvious, that the Great Seal was not to be found. It had been said, he understood, in another place, that this defect might have been readily supplied by any silversmith; an observation rather extraordinary from a lawyer! It must be clear to every one, that the authority of the Great Seal was not derived from the engraver or the silversmith, but from the act of the King in council declaring it to be his Seal. Yet, even if the Seal had been found, it would have been in the last degree absurd to use it, as king James had abdicated, he might almost say, forfeited his right to the crown; and it would consequently be highly ridiculous, by the use of his Seal, to declare his assent to an act for his own exclusion. In the existing emergency, however, they were under no such difficulty, there was no forfeiture of the crown, no vacancy of the throne, there was only a temporary incapacity of a reigning Sovereign to be supplied, for which a temporary remedy only was necessary to be provided. The King being still on the throne, all the functions of the executive must continue to be exercised in his name. The two cases, therefore, instead of being similar or analogous, were materially different, if not, in many particulars, exactly the reverse of each other.

It had been strongly contended in the course of the discussion, that the distinction between the political and personal capacity of the King was a useless fiction, a mere quibble invented by lawyers, and not sanctioned by the sound practice and principles of the constitution. But upon the slightest reflection their lordships would find, that this distinction, so far from being fallacious or unfounded, was to be manifestly traced in the exercise of almost every branch of the royal authority. If they should but look into any ordinary writ from the court of King's Bench, they would find that the party was summoned to appear before our lord the King, not in his personal capacity surely, but in his political capacity represented there by his judges.

Besides, the constitutional attributes ascribed to the King of this country, would in any other sense, than by reference to this distinction, be absurd and blasphemous. Ubiquity was one of those attributes ascribed *eo nomine* to the King by the very best authorities—perfection was another—but how could either be ascribed without profanation to any created being, except in that abstract political capacity, by which the King governs his realms under a system of wise laws, and administers those laws by the intervention of officers personally responsible for the faithful execution of their duties. It was needless for him to detain their lordships by any reasoning upon this point—the distinction must be obvious and familiar to every noble lord, who had ever looked into the page of the constitution. The consequence, then, was, that whenever the King may happen to be unable personally to perform his royal functions, by reason either of infancy or any other cause of incapacity, his political capacity would remain unimpaired, and upon this ground it was, that his assent in some form was absolutely necessary to the act for supplying the temporary deficiency of the royal authority. If the weight of authority were necessary in a matter so evident, he might cite the case of Henry 6, in whose infancy the Lords and Commons appointed another to administer the government, studiously declaring at the same time, that Henry alone was their lawful King, and that to him alone their allegiance was due. It was on this ground of entirety of the political capacity of the King, that justice continued to be administered and the laws effectually executed, notwithstanding the personal incapacity of the Sovereign. But it was not to be supposed by any man, that the case formed any excuse for those, who had assumed the executive authority without the assent of the crown, where the personal concurrence of the Sovereign was indispensible. This constituted a most flagrant violation of power—more heinous than had ever been witnessed in modern times, and he trusted, their lordships would take care, by the manner of marking their sense of it, that it should never be regarded as a precedent for any future minister to act upon.

The natural and necessary consequence to be deduced from what he had just submitted to their lordships was, that the King, in his political capacity, still governed the realm—that the right of exercising the royal functions during his temporary incapacity did not devolve upon ministers; that such right could not exist even in the King's son and heir apparent without an act of parliament, which might be produced to the courts of justice, and give them authority to proceed upon it. Without such a sanction, he would contend, that the courts of justice would not act even in case of an indictment against a revenue officer upon the sole authority of a person assuming and exercising the royal power upon Address merely, without some legislative provision to confirm his power and legalise his appointment. In proof of this he need only remind their lordships, that, in a thanksgiving sermon preached before the House of Commons for the deliverance of the nation from popery and arbitrary power, bishop Burnet must of necessity have previously prayed for king James according to the ordinary form of prayer, if some mode had not been devised to evade it: and the only way in which it was found that this difficulty could be got rid of, was by act of parliament, and the appointment of a King *de facto* to give it the royal assent and the force of law. The broad principle then was, that the King, though labouring under a temporary incapacity, was the sole sovereign, and that all constitutional authority must be derived from and exercised under his Great Seal. If they were to proceed by Address, they should only set up a phantom instead of a reality. Their lordships should, therefore, be very cautious not to suffer themselves to be led away by the arguments reflecting upon legal fiction; because in whatever way they should proceed they must come to a legal fiction at last. But these fictions were not peculiar to our laws—they abounded in the civil law—they were to be found in every system of jurisprudence, and to do them away altogether would be to abolish law itself. The only object to be attended to with respect to them, was to provide that they should not work injustice to any one. This was the view in which he regarded the subject. Their lordships were now called upon to fill up the existing deficiency, but at the same time to secure the rights of their lawful reigning sovereign, by a legislative measure having politically his royal assent. That it must be the King's assent to give validity to such a measure they were all agreed. And whether they should proceed by Bill immediately, or present an Address previously to such proceeding, the King's, and not the Regent's, assent must be indorsed on the act from which the Regent would derive his powers. The direct mode of proceeding, therefore, he considered far preferable to that which would come to the same thing at last, and equally involve a legal fiction, but by a more circuitous course. For himself he should say, that he adhered most strictly to the maxim that they ought to go no further than the necessity of the case warranted. But the question of right stated and asserted in the second resolution appeared to him so irresistibly clear, that he had been inclined in the former instance to second the suggestion of a friend, that the right of the two Houses to supply the deficiency of the executive should be entered in the

Journals as a declaration of the law upon which the third resolution was founded, but from a doubt entertained by an illustrious statesman of that day (Mr. Fox) he had thought it on the whole better to let it pass as a resolution, as the illustrious personage in favour of whom a right to the Regency had been set up, had disclaimed that right.

But what could he think, when not merely no doubt was expressed, but an assertion openly made, that ministers may venture to do what the two Houses of Parliament had declared the Prince of Wales incapable of doing? Lord Camden had declared in 1788, that in consequence of the then incapacity of the King, there was a suspension of all the executive functions of the government. Their lordships however, would find no such suspension in the present instance, but that a set of men, fortified by no right or title, had assumed the royal authority and exercised the powers belonging to it, which, they declare, had devolved on them in virtue of their offices in preference to the Prince of Wales. He was determined to shew by his vote that night the conviction he felt, that ministers had by their extraordinary conduct not only committed an outrage upon parliament, but compromised the best interests of the crown, and criminally violated the fundamental principles of the constitution. What had they proposed this night to record upon their Journals? Why, that it was the right and duty of the two Houses of Parliament representing the states of the realm, to supply the defect of the royal authority. This they gravely proposed to that House at the very moment that they were themselves, by their own act and by means of the grossest usurpation ever attempted in this country, invested with the whole of that royal authority.

His noble friend (lord Buckinghamshire) had asked him, whether if he had stood in the situation of the minister, he would have refused to send out a reinforcement, if necessary, to the army in Portugal? In answer to that question, he should tell his noble friend, that, though the act would be illegal, he should not hesitate to send out such reinforcement, if the necessity arose at a period when parliament was not assembled. But if only one day should have passed after the meeting of the two Houses, he should have considered such an act, unsanctioned by the authority of parliament, as at once an usurpation of the royal prerogatives, and an act of treason against the rights—the acknowledged established rights of the two Houses, (Hear, hear!) What, he would ask, was the kind of reasoning with which ministers came down that night, and on which with a double face they attempted to found such irreconcileable propositions?—Now declaring that it is the sole and exclusive right of the two Houses to provide for supplying the executive authority, whilst at the same time they had actually broken down and trampled upon this right, having seized upon and exercised the powers of the government with all the arrogance of a self-created directory. The great constitutional lawyer and statesman to whose opinion he had before alluded, and who in 1788-9 sat in the cabinet with others, whom he should ever regard with sentiments of affection and esteem, proclaimed to that House that the incapacity of the sovereign produced a total suspension of all the functions of the executive. The men who conducted the affairs of the government at that period, it would hardly be insinuated, were men quite ignorant of the laws and constitution, or quite regardless of the interests of their country. It was most decidedly his conviction, that, on every emergency like the present, if parliament were within reach, it ought to be assembled with the least possible delay. This principle applied equally to all unforeseen exigencies; as nothing short of the strongest necessity could justify any act or exercise of authority, which must constitutionally emanate from the crown, under the circumstance of the incapacity of the sovereign. But had the noble lords opposite shewn that any necessity whatever existed to justify their conduct? Yes, a necessity of their own creation—a necessity studiously sought for and voluntarily adopted and acted upon by themselves. These ministers, so justly called usurpers, had produced a necessity, under the colour of which they would hereafter come to parliament, to ask for indemnity, for having robbed both the crown and the parliament of their rights. He considered their conduct therefore in these two points of view—first as violating that radical principle of our laws, by which the executive authority of the realm is vested solely in the crown—secondly, as contravening the Resolutions now for the second time submitted to the two Houses. He could not pretend to know in how many instances the ministers had thus trampled on the monarchy and the constitution. He spoke only of what he had heard, and it was possible that other instances of a still graver nature, and involving still more serious consequences, might hereafter come to light. What would be the impression upon their lordships, if it should appear that these ministers had assumed to themselves the custody of the King's person? If after stating, and properly stating, that the Prince of Wales was not the person, to whom, legally speaking, the care of the King's person ought to be confided, they had taken the care of that person upon themselves? What must be the feelings of parliament and of the country, if it should turn out that this had been done, not in compliance with the wishes of the royal family, but against their unanimous and declared opinion? What would be the measure of public indignation, if it should appear that these uncontrouled usurpers of the sovereignty, who would impose restrictions upon the Regent, that Regent being the heir apparent to the throne, had unfeelingly taken from the royal family that, which was the established right of every family in the kingdom, the care and custody of their relatives previous to the interference of the court of Chancery? Through that court, the general asylum provided by the constitution for the protection of persons labouring under mental infirmity, all classes of his Majesty's subjects were placed in a state of security in the event of their falling into so heavy a calamity. Was it right then that his Majesty should in this respect be in a worse situation than the meanest of his subjects? Was it not on the contrary most just and proper, that his Majesty, whenever visited by so severe an affliction, should find in his parliament an asylum such as the court of Chancery afforded to his subjects, and derive from its wisdom an equal protection both in the care of his sacred person and the maintainance of all his rights? But before provision could be made by parliament for this purpose, there could be no doubt in any man's mind, that the guardianship of his Majesty's person must belong of right to his nearest and dearest relatives. Ministers indeed might be very ready to say, that for the conduct they had pursued they would trust to their responsibility; and a great and awful responsibility no doubt it was; but the laws of the country and the fundamental principles of the constitution were not to be violated systematically under colour of such ministerial responsibility. Their lordships were imperiously bound to interfere and prevent it. Could they leave out of their consideration that the disposal of the military force and resources of the nation was one of the most momentous amongst the constitutional powers of the executive? That it had at one period been a source of violent contention whether the command and controul of the army should belong to the crown or to the parliament? Yet this prerogative, established in the crown with so much hesitation and difficulty—a prerogative of such vital importance to the safety and welfare of the state, the noble lords opposite and their colleagues had dared to usurp and exercise, in equal contempt of what was due to the throne and to the nation. There was another instance, too, in which the peculiar privileges of parliament had been directly invaded, he meant with respect to the right of originating measures of taxation. The King himself, it was well known, had no power of imposing or remitting duties without the consent of parliament. Did the noble lords opposite then know the laws of their country, when they had dared to make legislative provisions involving questions concerning the amount of taxes, in their late arrangements respecting the Distillery bill? Did they, in the plenitude of their exercise of the royal power, conceive that the introduction of the name of parliament was a sufficient sanction to an act, which could only be legally and constitutionally resorted to by its positive and express authority? If the distillers, trusting to this agreement between them and the ministers, should conduct their speculations and regulate their affairs accordingly, in what a situation must parliament be thereby placed? Either it must be compelled to confirm and legalise this unauthorised and unconstitutional proceeding of ministers, or by refusing its sanction to it to inflict incalculable distress upon a great number of innocent individuals. What would their lordships say, if at that very moment those ministers were considering whether they should not apply the King's privy seal to a document, which would place at their disposal above a million of the public money? He could not take upon himself to say whether such an act had been done by them, but if done and not pursued by the vengeance of parliament, he would say, that the character of parliament would be justly gone, and its conduct merit the general indignation of the country. He could, however, state it as a positive fact, that the ministers had had it in contemplation to apply to parliament for authority to procure this sum, and he took it for granted, as no such application had been made, that they were afraid it would be unsuccessful, and had consequently determined or meditated to obtain, what they feared to demand of parliament, by some underhand clandestine means.

The *Lord Chancellor* said, that he had sat in parliament, a member of the other House, in the years 1788-9, and had then supported the doctrines still defended by the noble lord (Grenville). After the precedent established at that period, he could feel no doubt and no reluctance as to the course prescribed to him on the present occasion, or to execute the duties which it imposed. Two opinions had been at that time entertained, both of a very opposite nature, and both supported by great authority. That the Prince of Wales ought to be sole Regent, was then, as it is now, a sentiment in which all parties in Parliament concurred. He used the term Parliament, for notwithstanding all that had been said as to their being nothing more than a Convention of the Estates, it was his opinion that they were decidedly a Parliament. They had been prorogued under that title by his Majesty, who had directed them to reassemble at a future day. They had so re-assembled under this title, and in obedience to that command. In the year 1788, some conceived, as on the present occasion, that the proceeding by Address was the preferable mode, while others rather approved of a Bill in the first instance. The true doctrine of the constitution, and the distinction between the political and natural capacity of the sovereign, was then ably supported by many distinguished lawyers who now slept in the aisles and sepulchres of mortality, and who, if alive, would now maintain what then was the firm conviction of their minds. Another great man, to whose talents he was ready to do justice (lord Loughborough), had asserted a contrary doctrine, and he doubted not, that if that noble person were also living, we should witness a similar adherence on his part to his former opinions. With respect to what he had heard that night urged against every legislative proceeding that involved a fiction, was it possible that noble lords should overlook the dangerous extent to which such an argument might be carried? Such an argument might affect the course of judicial administration, and even the private property of every man who heard him (hear!). If commissions to call parliament together were issued without the King's authority, this must be done by a fiction. The judges in courts of law were bound to look only at the political capacity of the crown, they could know of no natural or temporary incapacity, and the course of justice was thereby uninterrupted. In the instance of justices of the peace, names were not often inserted in the Commission till six or seven years after the appointments had been made.—With respect to the commission in 1788, the proceedings of the Commissioners on that occasion were ratified by the sanction of the commissioners afterwards appointed by his Majesty on his recovery. Their lordships knew that on the 10th March 1789, these new commissioners came down to the parliament, and after reciting his Majesty's commission, sanctioned with his authority the steps which had taken place during his incapacity. They could not now entertain a doubt, that the proceedings of the Houses in 1788, having received this sanction, formed a precedent of the clear parliamentary course which they were imperiously called upon to follow. He stated that the principle upon which the parliament acted during the minority of Henry VI, was the avowed necessity of the case. The King from his infancy was then unable to exercise the functions of the royal authority, but he still existed in his political capacity. Their lordships would then find, however, that almost all the great officers of the crown were appointed by parliament itself; for the commissioners at that time acted under great disabilities. He likewise contended, that as there was a necessity for placing some persons to act in any emergency like the present, whatever may be the capacity of those persons who act in such an emergency, as the political capacity of the King must be considered as entire, they must carry on during the necessary interruption the ordinary functions of the executive. Alluding to the precedent of the Revolution, his lordship stated the difference between declaring the throne vacant, and the appointing a person to fill up any temporary interruption of the royal authority. The nation yet looked anxiously to the period when his Majesty should be able to resume the royal functions: they had the experience of half a century, that he had nothing so much at heart as the interests of his people; and that he could do nothing contrary to that people's interests. With respect to the Great Seal, he agreed with the noble lord (lord Grenville) who stated that it was not the silversmith or engraver who made that instrument, that could give it authority; but that it received that authority from the King and his council. He then alluded to the act of attainder of the duke of Norfolk, on which some stress had been laid by the noble lords on the other side of the House. There were circumstances peculiar to that case which it was necessary to notice; that act passed in the 33d year of the reign of Henry VIII. and on the very night before he died. It was stated in the act of Philip and Mary, by which the attainder is set aside, that the seal was not put to it at the bottom as usual in such cases, but at top; so that considerable difficulty arose, whether it could be said, that the Great Seal had really passed or been applied. Though this act of attainder was subscribed apparently by Henry VIII. yet it was said, that he could not, in the situation in which he then was, have written so good and strong a hand, and that the subscription was in reality the work of one William Clark. The act of Philip and Mary declared the act of attainder to be void and of no effect, for the reason that every exercise of the royal authority ought to take place in the King's presence, or by his commission, according to an act passed in the 33rd year of Henry VIII. and the duke of Norfolk and his heirs were thereby declared to be in the very same state as to their rights as if no such act had passed; but this act was merely a reversion of the attainder of the duke of Norfolk, and a proviso was inserted, that the proceedings which took place during the reign of Henry VIII. were not to be considered as affected by it. The case of king Henry VIII. would by no means apply to the period of 1788, and to the present period. In that case a King who could have signed with his own hand, did not sign with his own hand; but could any man say that this applied to another case, where the King could not sign? He must state, in answer to what fell from a noble baron (lord Grenville), that the commission of 1788 and 1789, or a commission of the present day, was a legal commission; that the courts of Westminster hall were bound to consider it in the light of a legal commission; and that these courts could not take it upon them to discuss the authority from which such commission flowed, but were bound to consider the regal authority as still existing. With respect to the accusations which had been brought forward against him for attempting to conceal from the nation the state of his Majesty's health, he appealed to the House if the language he had used on the first night on which he addressed them on that subject, was not completely borne out by the evidence which had been laid before them. He hoped it would be found that he had acted with all the caution and deliberation which an affair of so much moment demanded, and that he had neither over-stated, nor under-rated, what it was his duty to state explicitly to their lordships. He could freely take upon him to say, that to the best of his judgment he had discharged his duty on legal and constitutional grounds. Surely it was necessary to proceed with great caution on an emergency like the present. They could easily get ten men to fill their stations, but who could fill the office of our sovereign lord the King? "My lords," said his lordship, "there is not a jacobin in this country who will not on the present occasion pardon your error. We are told, that we are arrogant men—that we are usurpers.—Do you mean to say, that his Majesty shall have this delay, and yet that the functions of the government shall not go on?" Much had indeed been said by a noble baron (lord Grenville) in accusation of the conduct of the ministry. For his own part, he would not condescend to notice what was stated, merely from loose and indefinite reports in circulation. He hoped the country would give the ministry credit for acting with the very best intentions at a most difficult crisis. (Hear!) "God help the man," said his lordship, "who has an eye to their situation." (Hear!) They were told, that they had no talents—that they had no judgment—that they were unfit to be entrusted with the affairs of the nation. He hoped their lordships would first look back to those whom they should admire, before they passed censure on the conduct of the present ministry. (Hear!) For his part, the Great Seal was entrusted to him by his Majesty, and he would not therefore give it up till he knew that some one was legally appointed to receive it out of his hands.

Lord *Erskine* said that he had listened attentively to all the arguments that had been advanced by the noble Secretary of State, and also to those which had been urged by his noble friend near him (lord Grenville). In the justness of most of the positions laid down by his noble friend, he concurred, but in the inferences which had been deduced from those positions, he could not so readily concur. The case of the duke of Norfolk's attainder appeared to his mind to admit of a very different construction from that put on it by his noble and learned friend on the woolsack; it was considered as null and void, which proved that seals and signets were nothing unless when affixed mediately or immediately by the crown—unless the effect of the royal sanction can be imparted to them. The question now was, how was that effect to be given? Many precedents had been cited by the noble lords opposite; but not one of them was a precedent to do that which was proposed now to be done. [Here the noble lord, finding himself unable to proceed in consequence of a sudden bleeding from the nose, was obliged to sit down.]

The Earl of *Lauderdale*, after expressing his regret at the interruption which his noble and learned friend had met with, proceeded to advert to the objections, which had been made to the Amendment. His noble friend (lord Grenville) had said, that, take which mode of proceeding they might, whether Address or Bill, still they would both come to the same difficulty, and that even the Address itself hinted at the necessity of future proceeding by Bill. But he (lord Lauderdale) thought there was an essential difference between the two modes: in the way by Bill, the two Houses of Parliament, without the interruption of a third person, took upon themselves to exercise one of the royal functions, whereas in the way of Address, there was no such direct assumption; a third party was made to interpose between the two Houses and such an assumption, and the Regent having in himself the power of asserting or denying, the integrity of the monarchy was thereby preserved. The question between both ways of proceeding was, had the two Houses the power of putting the Great Seal to an Act of Parliament? The noble and learned lord on the woolsack had said, that he thought the precedent of 1788 conclusive upon the question of Bill or Address; but what was the necessity? To enable the executive to act—not to act for the executive. He should put a case to their lordships: If he had a right to present to a living, he as patron might, on a vacancy, present a clergyman to the living; but did that right of presentation give him the right of going himself into the living, ascending the pulpit, and discharging the functions of a clergyman? Neither did the law of Parliament, which was to be found in the usage of Parliament, authorise the two Houses to assume the exercise of the functions of the kingly power. The case already alluded to was tried before the 12 Judges of the land, in Serjeant's Inn; their opinion of that case respecting the certiorari was to be found in Plowden, and proved that in all cases, to give seals or signets legal efficacy, they must be the act of the kingly power. The noble and learned lord had also referred to the Restoration, that also was a case of necessity; and the unfortunate nature of the necessity was such, that those who act upon it are alone the judges of it. Their lordships however well knew that at that time there were great efforts made to get possession of the Great Seal. Their lordships could find in their own Journals a long account in Mr. Annesley's Report upon the Uses of the Great Seal; but in all that was said of it at that time, no man ever thought of investing both Houses with a right of putting it to an Act of Parliament. It had been said, that the difficulties attending that period were owing to the changes of the government from a republic to a monarchy; but this was not the reason, since their lordships must know that in an earlier reign king James the First absolutely carried on the government with the Great Seal of Scotland; that of his predecessor Elizabeth having been lost or mislaid: again, when a question was submitted to the Judges, respecting the appointment of Custodes Regni, and concerning the validity of a commission, they declined giving any answer to the first, being too high for their opinion: but as to the second, they said, that a commission might hold good, if fortified by an Act of Parliament; which was saying in other words, that without that Act of Parliament, such commission would be null and void. It was the necessity gave the power, and it was the necessity should limit it. He would conclude with one observation, that if there was one act above all others which required the personal exercise of the King's authority, it was that of giving the royal assent to Acts of Parliament. Before he sat down he could not help saying one word as to the Restrictions. He thought that the enacting of Restrictions to any extent would be an act of treason to the country, it would indicate a want of feeling on the part of the two Houses, towards the wishes of the people, perhaps unexampled. The noble lord had talked of the voice of the people being with them; as to the delay which had taken place, he was confident that if the two Houses passed any Restrictions, the voice of the people would be loud throughout the country against them.

Lord *Redesdale* said, their lordships had come to a resolution, That it was their duty to remedy the defect in the executive power. How was that deficiency to be supplied by them but by an Act of the legislation? The two Houses could not legislate by an Address; it was therefore necessary to proceed by Bill. An Address might be preferable, if a right on the part of the person to be made Regent were acknowledged; but in the absence of such right, as they could not give power to an Address, it was expedient to proceed by Bill. The noble lord then detailed the events of the Revolution, and the proceedings of the two Houses of Parliament on that occasion. Those, he contended, furnished no precedent for a case where there was a King on the throne, and where there was a parliament legally assembled. In the present state of things, they were justified in determining how the royal assent should be given by the necessity of the case; and as to what had been said of their usurping the royal authority, in acting as proposed, he maintained that the usurpation would be precisely the same if they proceeded by Address.

Lord *Holland* informed their lordships, that though a noble friend of his (earl Grey) was not present to support his amendment, he had the satisfaction to know that he heartily concurred in it. He wished to ask the noble lord opposite at what hour (if the amendment should be unfortunately negatived) it was his intention the Report of the committee should be taken into consideration, and he then gave notice that he should renew his motion *pro forma*, not for the purpose of renewing the debate, but that his Protest might be entered on the Journals.

The Earl of *Liverpool*, in answer, said that it was intended the Report should be taken into consideration at the usual hour to-morrow. He also observed, in answer to a question from another noble lord, that it was his intention to propose that the House should sit on Saturday, for the purpose of holding a Conference with the Commons—and then adjourn over to Wednesday.

A division then took place on the Amendment, when the numbers were—

Non-contents	100
Contents	74
Majority against the Amendment,	—26

The original question was then put and carried, and the House adjourned.

List of the Minority.

Dukes.

York
Clarence
Kent
Cumberland
Sussex
Cambridge
Gloucester
Norfolk, E. M.
Somerset
Bedford

Marquisses.

Winchester
Lansdowne
Stafford
Hertford
Headfort

Earls.

Stanhope
Spencer
Carlisle
Abergavenny
St. Vincent
Suffolk
Jersey
Thanet
Fitzwilliam
Tankerville
Ilchester
Donoughmore
Essex
Albemarle
Rosslyn
Coventry
Lucan
Charlemont
Cholmondeley
Scarborough
Cowper
Peterborough
Waldegrave

Viscounts.

Hereford
Hampden
Lake

Barons.

Lauderdale
Boyle E. (Corke)
Holland
Hastings (Moira)
Lilford
Ailsa (Cassilis)
Dundas
Erskine
Yarborough
King
Hutchinson
Gwydir
Stawell
Ponsonby (Besboro')
Clifton (Darnley)
Dutton (Marq. of Douglas)
Say and Sele
Upper Ossory
Mendip (Visc. Clifden
Grantley
Keith
Downay (Viscount Downe)
St. John
Foley
Ponsonby, of Imokilly
Butler (Ormond)
Carysfort
Granard
Hawke
Alvanley
Thurlow
Seaforth
Heathfield

HOUSE OF LORDS.

Friday, December 28.

[King's Illness—Resolutions respecting the Regency.] Lord Walsingham reported the Resolutions agreed to in the Committee on the State of the Nation.

The Earl of *Liverpool* moved the order of the day for taking the Report into consideration, and then moved to agree to the first Resolution, which was put and agreed to.

On the second Resolution, lord Holland moved the previous question, which was negatived, and the Resolution agreed to.

On the third Resolution lord Holland moved the same Amendment that he moved yesterday in the Committee (see p. 405.)

Lord *Erskine* said, that although he had been prevented yesterday by sudden indisposition, from delivering his opinion on the momentous subject then under consideration, it was not his intention to trouble their lordships now at any length, though it was equally competent to him, in point of form, as when the committee was considering the matter now reported: he should content himself, however, with delivering his opinion in a very few words. He had never doubted that it was the right of the Houses of Lords and Commons to supply the defect in the royal authority in the case of an incapacity of the King; but there was a duty connected with that right as in all other jurisdictions; and although he did not mean to question the supremacy of the authority of the two Houses, which would be to run the country into revolution, yet the duty was not the less positive on that account. Indeed, the second Resolution had acknowledged it, when it stated, "That it was the right and the duty of "the two Houses to supply the defect in "the royal authority;" and although he should have thought the Resolution more correct and precise if it had used only these short and simple expressions, yet he felt no difficulty in subscribing to it as it stood. Indeed, if the matter was duly considered, no ambiguity of construction could take place. It had not only been admitted, but properly insisted on in debate, that the case of the Revolution in 1688 was different from the present conjuncture; it was widely different indeed. Upon the abdication of king James and the consequent vacancy of the throne, our ancestors had a new executive government to establish for the country, and they might have established a different one with different prerogatives; but now the throne was not vacant; it was properly insisted upon that the King's political capacity was entire and perfect, and the two Houses had therefore no jurisdiction whatever to assume or change the royal authority, but only to confer it by the constitution of a Regent during the incapacity of the King.

This short statement seemed to him to be absolutely conclusive against the proceeding by Bill; because that proceeding could not possibly take place without the direct assumption of the royal authority, though it was disavowed by those who assumed it. The Great Seal was not the organ of the two Houses, but of the King only; it was the organ of his will; there were, indeed, many cases where the Great Seal was put by virtue of the King's general authority, but in the present case it was the symbol of the mind, and intention, signified by the indispensable sign manual of the King; and to affix the Great Seal therefore to the proposed proceeding would be a manifest violation of the constitution. He was aware that that violation was wholly disavowed, and not *malâ fide* intended by the authors of the precedent of 1788 and of the present which followed it. He was willing to admit that this proceeding by Bill was not set on foot to preserve in the two Houses the royal authority which was assumed by the form of the proceeding. He admitted that the object of the Bill went as singly to confer the Regency on the Prince of Wales as if his Royal Highness had been addressed to assume the administration of the government, but the principle was not the less fatal to the constitution. It confirmed the doctrine of the competency of the two Houses to assume the royal power during the King's incapacity, by which evil men with evil designs might overthrow the constitution; since if a precedent were once established that it was competent to use the Great Seal for any purpose, it might in other times be extended to any purpose which popular violence might produce. This was no visionary imagination; the constitution had actually fallen a sacrifice to the very principle.

When the Parliament in the last century was maintaining, as it said, the King's political capacity, whilst they were making war upon his natural person, the citizens of Gloucester addressed their unfortunate monarch in terms of reverence and submission, they acknowledged his royal character, and declared their readiness to open the gate, and to deliver to his Majesty the keys of the city, whenever they received the consent of Parliament, which, lord Clarendon truly says, was the consequence of the sottish distinction between the political and the natural capacity of the King.

The principle therefore was plain: the two Houses were to confer, but not to assume the royal functions. When they confined themselves to confer it by Address, they raised up an eternal barrier against the assumption of it themselves, and removed every possible temptation upon such unfortunate conjunctures, because their jurisdiction and office would then be confined to the re-establishment of the royal prerogative, which was the constitutional balance against their own power.

But it was maintained, that the proceeding by Bill was a case of necessity, and that no other course of proceeding could be adopted. It was maintained, and from a source which must ever with him carry great weight and authority, that the courts of law and the magistracies of the country could by no means recognize a Regent constituted by Address or by any other mode than in the form of an Act of Parliament. For himself, he thought that after a Resolution of the two Houses, declaring that it was their right and duty to constitute a Regent, and after due and public notification that they had done so, it would be tantamount to the form of an Act, when it proceeded from one and the same authority. But he would not argue the matter; because with the addition of a few days delay, not very material if the proceedings had begun instantly on the adjudication of the King's malady, the Regency would have been complete, and with all the favourite forms of a Bill; since after the constitution of the Prince as Regent by an Address of the two Houses, a Bill might have been introduced immediately on the pattern of the Address, to which his Royal Highness as Regent, and not the two Houses, would have affixed the Great Seal, and thus, whilst the same substance was accomplished, all the forms of the constitution would have been preserved. Being only desirous of distinctly stating his opinion, he would trouble their lordships no further.

The Earl of *Darnley* urged the absurdity of the fiction of using the Great Seal in his Majesty's name to supply the defect occasioned by his own unfortunate incapacity.

Lord *Kenyon* contended that it was the duty of the two Houses to make such provisions in constituting a Regency, that on the recovery of his Majesty his authority might revert to him unimpaired.

After a short conversation, as to the mode of putting the question, between earl Stanhope, the Lord Chancellor, and lord Holland, the question was put, "That the Amendment of lord Holland be inserted in the motion," which was negatived, and the original Resolution agreed to.

On the motion of the earl of Liverpool, the Resolutions were ordered to be communicated to the Commons at a Conference.

PROTESTS AGAINST THE SAID RESOLUTIONS.] The following Protests were entered upon their lordships' Journals:

Protest on the Rejection of the Previous Question moved on the Second Resolution.

1. "Because it is always unwise, and often unsafe, to assert abstract principles, on the truth of which the proceeding proposed to be adopted does not exclusively rest; and on the present occasion, it seems peculiarly unnecessary to exact a compliance with speculative and questionable premises, to establish a conclusion, in which all seem practically to concur.—Those who have regarded the Prince as having a right to assume the royal functions on the declared incapacity of his Father, have always held that the exercise of that right could not be called into activity, otherwise than by the adjudication of the Estates of the realm.—Those who have maintained a right in the two Houses, have admitted the expediency of conferring the appointment on his royal highness the Prince of Wales.—Finally, those who deny any positive legal right, either in the Prince to assume or the Estates to confer the exercise of the royal authority, do nevertheless approve of the Estates offering, and of the Prince accepting, the office of Regent on the present melancholy occasion.—To select, therefore, topics of disagreement, among men who are disposed to concur in the practical conclusion of supplying the defect in the exercise of the royal functions, by a Regent, in the person of his royal highness the Prince of Wales, seemed to us repugnant to the maxims of prudence, and directly at variance with those examples of moderation and temper, which, at remoter periods of our history, as well as at the glorious

Revolution of 1688, had been held out to us by the conciliatory policy and wisdom of our ancestors.

2. "Because the agitation of the question was calculated to produce delay; and, delay, in supplying the means of exercising the royal authority, must either be injurious to the public service, or subversive of the constitution of this kingdom. For the functions of the executive government cannot be discontinued during a period of extensive war and great national embarrassment, without injury to the public welfare; and the duties of the kingly office cannot, on the other hand, be discharged by those who usurp the royal authority, unsanctioned by the laws, the consent of the Estates, or the knowledge of their sovereign, without imminent danger to the constitution of the country.

Cumberland
Clarence
Kent
Sussex
Gloster
Charlemont
Granard
Yarborough
Erskine
Fitzwilliam
Hereford
Thanet
Donoughmore
Somerset
Dutton
Scarborough
Cholmondeley
Carlisle
Stafford
Holland
Jersey
Lauderdale
Ponsonby
Bedford
Albemarle
Keith
Upper Ossory
Hastings
Dundas
Ailsa
Spencer
Norfolk
Say and Sele
Rosslyn
Grantley
Hutchinson
Suffolk and Berks."

Protest on the Rejection of the Amendment to the Third Resolution.

1. "Because no objection has been urged to the Amendment, which does not in greater force apply to the original Resolution, and to every method that can be devised for supplying the defect of the personal exercise of the royal authority in the present emergency.

2. "Because an Address, such as is proposed in the Amendment, is conformable to the practice of our ancestors at the glorious æra of the Revolution, who, before they declared the Throne to be vacant, requested the Prince of Orange, by Address, to continue to administer the government of the country; and after declaring the vacancy of the Throne, did, by declaration, proceed to an immediate revival of the royal authority.

3. "Because an Address to his royal highness the Prince of Wales is the most plain, direct, and above all, expeditious method of supplying the defect in the exercise of the royal authority; and is free from all appearance of fraud, as well as the assumption of powers not vested by the law and constitution of our country, in the two Houses of Parliament.

4. "Because, though we have heard it argued in debate, that the mode, as proposed, of proceeding by Bill, afforded stronger security for the concurrence of his royal highness the Prince of Wales, in such measures as the wisdom of the two Houses may recommend, for the care of his Majesty's person, and for the reputation of the Regent's authority, we have hitherto learned from no one, that there existed any circumstance in the station or character of his royal highness the Prince of Wales, which could suggest the propriety of desiring stronger security than our ancestors exacted from the prince of Orange, for his concurrence in such laws as they deemed necessary for the maintenance and safety of the liberties of the people.

5. "Because, if we were capable of entertaining the unfounded suspicion, that his royal highness the Prince of Wales had an inclination to withhold his assent to such measures as the two Houses of Parliament were disposed to suggest, for the security of his Majesty's person, or for the regulation of the Regent's authority, we should be of opinion, that his royal highness, accepting the power of conducting the government in consequence of an Address, in which such regulations are stated, would afford better security than an Act of Parliament, which, if passed in the manner proposed, must at least appear to us of doubtful effect, after the legislature has declared the act, enacting the attainder of the Duke of Norfolk, to be void and null—the Commission under which it was passed not having been signed by his Majesty's hand, or having the usual words indicating the Royal Assent.

Clarence
Kent
Sussex
Gloster
York
Cumberland
Cambridge
Norfolk, E. M.
Thanet
Dutton
Stafford
Vassal Holland
Jersey
Lauderdale
Ponsonby
Bedford
Albemarle
Keith
Upper Ossory
Hastings

Clifton
Grantley
Erskine
Fitzwilliam
Hereford
Say and Sele
Donoughmore
Spencer
Lansdowne
Cholmondeley
Scarborough
Dundas
Ailsa
Charlemont
Granard
Yarborough
Headfort
Butler
Rosslyn
Hutchinson
Suffolk and Berks
Carlisle.

Protest against the Third Resolution.

1. " Because the proposal contained in the Resolution, as explained in debate—'that the two Houses should direct the 'Royal Assent to be given to a Bill or 'Bills under a Commission, to which the 'Great Seal, by their direction and authority, is to be affixed;'—seems to us a solecism in language, and a violation of the common and statute law of this kingdom.—If the assent is given by the direction of the two Houses of Parliament, without any person being empowered to give or withhold, at his discretion, that assent, it is in substance the assent of the two branches of the legislature to their own act, and it can neither deserve the name, nor obtain the authority of, the assent of the King, or of any person representing, on his behalf, the third branch of the legislature.—By the statute of the 33d of Henry 8, and more expressly by the 1st of queen Mary, session the 2d, it is provided, declared and enacted, 'That the Royal Assent or consent of the King or Kings of 'this realm to any Act of Parliament 'ought to be given in his own royal 'presence, being personally present in 'the higher House of Parliament; or 'by his Letters Patent under a Great Seal, 'assigned with his hand, and declared 'and notified in his absence to the Lords 'Spiritual and Temporal, and the Com'mons assembled together;'—and the omission of the usual words in the commission, and the substitution of the King's stamp for his royal signature, are by the statute of queen Mary, declaring the attainder of the duke of Norfolk of none effect, deemed sufficient to render void and null the assent given under that commission, although the Great Seal was annexed thereunto.—By the 13th of Charles 2, it is further declared, 'That no Act or 'Ordinance with the force or virtue of a 'law, can be made by either or both 'Houses of Parliament.'—We conceive, therefore, on the one hand, that a commission so created, and so limited, can never, by any fiction of law, or annexation of seal, convey the royal assent in defiance of the obvious meaning of language, and the strict and legal definition of the term,—and, on the other hand, till the royal assent be obtained, we cannot, in violation of the fundamental principles of the constitution, and in the face of a declaratory statute, give to the act or ordinance of two branches of the legislature only, the force and virtue of a law.

2. " Because in no instance while the government of this country has been acknowledged to be in King, Lords, and Commons, has any statute or law been enacted without the concurrent assent of the three branches of the legislature.

3. " Because the proceedings of the two Houses in 1788 are incomplete, and cannot therefore be entitled to the weight and authority of a constitutional precedent.—The adherence to precedent, so wisely enforced by the theory and practice of our constitution, is justified by considerations which cannot attach to incomplete transactions, viz. the union of authority and experience, and a confidence in the wisdom of a design founded on a view of the benefits resulting from the execution of it.—The opinions therefore of the majorities and minorities of 1788-9 deserve such attention as the respective number and characters of those who composed them are calculated to command; but they cannot obtain the force and value of a constitutional precedent, which can only be conferred on a measure by the practical knowledge and experience of its effects.

4. " Because the conduct of the Irish parliament, in 1789, forms as binding a precedent, and affords as salutary an example to the two Houses of the Imperial Parliament, as the proceedings of the estates of Great Britain on the same occasion—and the two Houses of Parliament in Ireland concurred in a joint Address, requesting his royal highness the Prince of Wales 'to take upon him the government 'of the realm of Ireland during his Ma'jesty's indisposition'—and 'to exercise 'and administer, according to the laws 'and constitution of that kingdom, all 'regal powers, jurisdictions, and preroga'tives, to the crown and government there'of belonging.'

Clarence
Sussex
Gloster
Kent
York
Cumberland
Cambridge

For 2d, 3d, and 4th Reasons.

LANSDOWNE
HOLLAND
JERSEY
LAUDERDALE
PONSONBY
BEDFORD
ALBEMARLE
KEITH
HASTINGS
GRANTLEY
CHOLMONDELEY
SUFFOLK & BERKS
CARLISLE
DUNDAS
AILSA
HEADFORT
BUTLER
CHARLEMONT
GRANARD
YARBOROUGH
UPPER OSSORY
ERSKINE
FITZWILLIAM
THANET
HEREFORD
DONOUGHMORE
SPENCER
NORFOLK, E. M.
DUTTON
ROSSLYN
CLIFTON
HUTCHINSON
STAFFORD
SCARBOROUGH

HOUSE OF COMMONS.

Friday, December 28.

[KING'S ILLNESS—RESOLUTIONS ON THE STATE OF THE NATION.] The *Chancellor of the Exchequer* stated, that there being no particular proposition at present before the House, and there being no reason to expect that the Resolutions from the House of Lords would be brought down to-night, he should propose that the House do adjourn till Monday. The Conference which it would be requisite should take place between the two Houses, would be no interruption to the business fixed for Monday, as it might easily be dispatched previous to the usual hour of proceeding to public business.

Mr. *Tierney* begged to know if the Resolutions to be proposed on Monday, were conformable to those of which the right hon. gent. had given notice on a former night, and similar to those which had been agreed to in the year 1789?

The *Chancellor of the Exchequer* said, the substance was exactly the same as he had already stated to the House, with an exception probably as to some of the Limitations. As he had already said, he should propose that the Limitations be confined to the period of twelve months, and besides these, there would be regulations as to the custody and management of the King's person. In his view of the case, the Limitations ought to be restricted to 12 months, regulating it, however, in this manner, that six weeks of this period must elapse during the meeting of parliament. The distinct and specific Limitations to be proposed would not appear on the face of the Resolutions. It would only be mentioned in them, that the Restrictions were to exist for a time to be limited, and in the Bill itself would the precise nature and extent of the Limitations appear, or be specified.

Mr. *Tierney* asked, whether any exceptions were to be introduced into the Restriction alluded to by the right hon. gent. as to the granting of Peerages and Pensions?

The *Chancellor of the Exchequer* said, he purposed introducing an exception as to naval or military officers, whom it might be deemed expedient to reward for any signal service or achievement.

Mr. *Adam* wished to know, if the regulations as to the King's Houshold were to be the same as those agreed to in the year 1789?

The *Chancellor of the Exchequer* answered, that they were the same, with the exception that they, as well as all the other Restrictions, were limited to 12 months.

The House adjourned till Monday.

HOUSE OF LORDS.

Monday, December 31.

[CONFERENCE WITH THE COMMONS.] The Earl of Liverpool moved, "That a Message be sent to the Commons, to acquaint them, that this House has agreed to the Resolutions communicated by the Commons at the late Conference; and also that this House desires a Conference with the Commons, to be held forthwith in the Painted Chamber;" which was ordered accordingly, the masters in chancery were sent to the House of Commons with the said Message. On the return of the messengers, they reported, That the Commons had agreed to hold the Conference with their lordships as desired.

The Earl of Liverpool then moved, That a deputation be appointed to manage the Conference with the Commons on the part of their lordships, and accordingly, the Lord President, the Lord Privy Seal, the earls of Harcourt, Liverpool, Glandore and Harrowby, viscount Wentworth, the bishop of Killala, and lord Walsingham, were appointed for that purpose; and the House adjourned during pleasure. On the return of the Deputation, the House resumed; and the Lord President (earl Camden) reported, That the Conference had been held with the Commons, and that their lordships' concurrence in the Resolutions had been duly communicated to the Managers on the part of the House.

Adjourned till Wednesday.

HOUSE OF COMMONS.

Monday, December 31.

[CONFERENCE WITH THE COMMONS.] A Message was received from the Lords, intimating that their lordships desired a present Conference with the House of Commons in the Painted Chamber, on the subject matter of the Conference held there between the two Houses on the 22d instant. The messengers having withdrawn, it was ordered on the motion of Mr. Secretary Ryder, "That the House do agree to the required Conference; that a Committee be appointed to manage the same; and that the Lords' messengers should be called in and acquainted therewith."

The messengers were accordingly called in, and addressed by the Speaker in the following words; "I am commanded to acquaint you, that this House does agree to the Conference as desired by the Lords."

The following members were appointed to form the Committee of Conference: Mr. Secretary Ryder, Mr. Spencer Stanhope, the Lord Advocate of Scotland, the Solicitor General of Scotland, Mr. Ashley Cooper, Mr. Montague, Mr. Charles Long, sir J. Nicholl, sir Evan Nepean, lord George Thynne, Mr. Lygon, and Mr. R. Dundas. The Committee immediately went forth, and the Speaker informed the House that all other members were at liberty to attend the Conference.

On the return of the Committee, Mr. Spencer Stanhope, from the bar, informed the House that they had attended in the Painted Chamber, in conformity to their instructions, and had been informed by a Committee of the House of Lords, that their lordships had taken into consideration the Resolutions of the House of Commons, delivered to them on the 22nd inst. and had agreed to the same without any amendment.

[CALL OF THE HOUSE.] The order of the day having been read, for calling over the names of the defaulters on the last Call of the House, the names of the defaulters, on the motion of the Chancellor of the Exchequer, were consequently called over. Most of the members answered in their places; others were ordered to attend at a future period; several were excused; and one, Mr. Owen, ordered to be taken into the custody of the Serjeant at Arms. The Chancellor of the Exchequer said, that as he did not conceive it necessary to delay the important discussion which was about to take place, by enforcing the Order for calling over the House, he would move to postpone the Call until Monday next.—Ordered.

[STATE OF THE NATION—RESOLUTIONS RESPECTING THE REGENCY.] On the motion of the Chancellor of the Exchequer, the order of the day having been read for the House to resolve itself into a Committee of the whole House to take into farther consideration the State of the Nation, and the Report of the Committee appointed to confer with the Lords, having been referred to the said Committee, the House resolved itself into the Committee, Mr. Lushington in the chair.

The *Chancellor of the Exchequer* addressed the chairman in substance as follows:—Mr. Lushington, the Resolutions agreed to on a former occasion by this Committee having now received the concurrence of the House of Lords—I mean the three Resolutions, the first stating the present incapacity of his Majesty to execute the functions of the executive government, the second declaring that it is the right and duty of both Houses of Parliament to take measures to supply the existing deficiency, and the third prescribing the mode, viz. by way of Bill, that should be adopted for this purpose—I say, Sir, these Resolutions having been agreed to by both Houses, it only remains for this Committee to take into further consideration the particular measures which it may be expedient for them to adopt. On a former occasion, Sir, I explained the view which I entertained on this part of the subject. I stated that in my apprehension the Committee and the House would do well to conform, as nearly as circumstances might render it reasonable to conform, to the course of proceeding which it was intended to carry into effect in the year 1788. I also stated that with that view of the subject it was my purpose to submit to the Committee Resolutions, by which his royal highness the Prince of Wales should be desired to take on himself the exercise of the royal functions, by which certain exceptions should be specified with regard to that exercise; but by which it should be provided, that those exceptions should be adopted only for a time to be limited. I stated that those exceptions would be the power of creating peers, and of granting places and pensions for life, except such offices as are by law required to be granted for life, or during good behaviour, and I likewise stated that I should propose making a provision for the care and custody of his Majesty's person during his indisposition, which provision would lead to vest that care and custody in her Majesty, with the assistance of a Council to be formed according to the provisions of the Bill, which it is my intention to move for leave to bring in. The first consideration to which the attention of the Committee must be directed, is the Resolution respecting the authority to be given to his royal highness the Prince of Wales. That Resolution I will now read.

"Resolved, That it is the opinion of this "Committee, that for the purpose of pro"viding for the exercise of the royal au"thority during the continuance of his "Majesty's illness, in such manner, and "to such extent, as the present circum"stances, and the urgent concerns of the "nation appear to require, it is expedient "that his royal highness the Prince of "Wales, being resident within the realm, "shall be empowered to exercise and ad"minister the royal authority, according "to the laws and constitution of Great "Britain, in the name, and on the behalf "of his Majesty, and under the style and "title of Regent of the Kingdom; and to "use, execute, and perform, in the name "and on the behalf of his Majesty, all "authorities, prerogatives, acts of govern"ment, and administration of the same, "that belong to the King of this realm to "use, execute, and perform, according to "the law thereof, subject to such limita"tions and exceptions as shall be pro"vided."

In laying before the Committee, this or any other Resolution, it is material that I should endeavour to separate the points which are likely to create a difference of opinion, from those in which it is probable that we may be unanimous. In this view of the subject, from what I have myself heard, and from what I have collected from others, I think I may assume that there exists no difference of opinion, on the propriety of requesting his royal highness the Prince of Wales to become the Regent. I think, Sir, from what I have observed, that I may assume, that it does not occur to any of the gentlemen opposite, to advise that his royal highness should have any Council associated with him in the Regency. The difference of opinion which may be expected to take place will probably arise from those points in the proposition which I am about to submit to you, that lead to the restriction of the royal authority in the hands of the Regent; and to those points, therefore, I shall particularly direct the attention of the Committee. The questions which we have to consider and to determine are these:—Whether or not it is right to admit of any Restrictions on the royal authority, when placed in the hands of the Regent? If it be determined that any Restrictions are proper, whether the Restrictions which I propose, or some other Restrictions, be preferable? Lastly, if the Restrictions which I propose, or any other Restrictions, be adopted, whether those Restrictions should have any period, and if so, what period of limitation? On these three questions, Sir, I apprehend that the discussion of this evening will hinge. With respect to the first question, whether or not it is right to admit of any Restrictions on the royal authority when placed in the hands of the Regent? I trust that the Committee will, as well as on every other occasion in the course of this important business, constantly keep in mind the nature of the duty which we have to perform. We are called upon, Sir, to provide, not for a vacant throne, but for a temporary suspension of the exercise of the royal authority—a suspension which we have reason to flatter ourselves may not be long protracted, and which there can be little doubt will be ultimately put an end to by the restoration of his Majesty's health. From this view of the subject naturally arises the consideration what ought to be the power entrusted to the Regent under such circumstances, and during a period of the suspension of the royal authority, which we are justified in being sanguine enough to believe will not be of extended duration. There are two important objects to which our attention must be drawn. The first to provide for the security of the kingdom, by establishing an effective administration of public affairs, and giving to the exercise of the royal functions in the hands of the Regent an energy and extent sufficient to guard the interests of the country entrusted to him. The second object, of an importance nearly equal to the other—to provide for the removal of every possible obstacle to the restoration of his Majesty to kingly power; and not only to secure the certainty of his Majesty's resumption of that power, but to provide, as far as human foresight can provide, for his resuming it without any embarrassments which might be created in the interval of suspension. As far as we can, Sir, we must reconcile these two objects. Where the one appears incompatible with the other, we must wave the expectation of uniting them, and in those cases it will become our duty to give the preference where it is due. In the discussions which have already taken place on this subject the jet of the objections which I have heard against the proposed restrictions of the royal authority in the hands of the Regent, appears to be the danger which the executive power will incur by the diminution of its energies, and of its means of acting for the public benefit. I apprehend, however, that a due consideration of the arguments thus adduced will tend to enforce my second proposition, namely, the necessity of securing to his Majesty a return to power, and a return unobstructed and unembarrassed. We are imposing the Restrictions on the Regent for a very limited period;—for a twelvemonth and a fraction, to provide that the limitations shall not expire until parliament shall have been six weeks sitting. But, Sir, with respect to his Majesty, I trust we may happily contemplate that Providence has in store for him many years of happy reign. In providing therefore, that the kingly power shall not be affected during its suspension, we probably secure the efficiency of the executive authority for a much longer period than that to which the Restrictions on the Regent will apply. The Restrictions on the Regent will extend to little more than a twelvemonth, but if the return of his Majesty to power be embarrassed, the inconvenience may be of much longer duration; and that weakness in the executive authority will be produced which the gentlemen opposite so loudly and properly deprecate. We must feel, Sir, that the duty which has devolved upon us, arises simply and exclusively out of the necessity of the case. What is necessary we are authorised to do. What is not necessary we are not authorised to do. As has been ably said, "the power which necessity gives, necessity limits." We must look at the nature of the necessity, and we shall find that it is not more our duty than interest not to go beyond the necessity of the case. I apprehend also, Sir, that acting with these views we must act on a general consideration of the subject. We must not regard individual character. We must not think of the Prince, but we must only consider that we are called on to provide a Regency in the person of a Prince. We must not be drawn aside by any high and just estimation of the character of his Royal Highness. We should act most unwisely and most weakly, if in the performance of a great act of legislation, we were to found our proceedings on particular circumstances, and not on general principles. To general principles parliament has ever thought it its duty to refer on occasions like the present. Whether a Regency has been appointed during the illness, or during the infancy, of the Monarch, or any other occasion, it has almost always been accompanied with a qualification of power. There is scarcely a case in our history in which the royal authority has been conferred on a Regent without some restraint or limitation. I certainly do not mean Restrictions precisely similar to those now proposed. They have been of a different description, but in most cases infinitely more inexpedient, when considered with reference to the present necessity. I refer to them merely to establish my position, that the general usage of parliament has not been to consider the limitation of the powers of the Regent as insulting to the Regent, degrading to the monarchy, or dangerous to the constitution. That usage and that principle being established, it follows for the Committee to consider what particular Restriction it is which ought to be provided. The general proposition that has been advanced by the gentlemen opposite is, that we endanger the royal authority and constitution, by cramping the power of the Regent. This proposition extends to Restrictions of any kind and of any duration. Let us see, therefore, Sir, whether cases may not be stated in which to give a Regent the full and complete exercise of the royal authority, would be to do a very precipitate and a very mad thing. Suppose, for instance, we were now to provide for a Regency during the infancy of a monarch; in infancy which might expire in a month or six weeks. Urgent public affairs might require that the Regal Functions should be discharged during that period by a Regent. Would it enter into any man's mind that for such a limited period as that which I have mentioned, the whole authority of the crown should devolve on the Regent; including in it the power of creating peers, of granting places and pensions for life, or of doing any other act not immediately necessary? Would any man propose such an absurdity? Certainly we are not in a situation to contemplate any thing like a satisfactory certainty, that six weeks after the Bill which I mean to propose shall be passed, the necessity for it may expire; but, at the same time, there is no ground absolutely to conclude that the necessity will continue longer. Taking into our consideration the time which must elapse in the progress of the Bill, before it can pass into a law, I contend that no man is entitled to lay such gloomy colours on the picture, as to pronounce the event impossible. It follows, therefore, that that which would be unreasonable in the case which I have imagined, would be unreasonable in the present case, as the periods of the termination of the necessity, in both instances might probably be the same, All that I have hitherto urged, Sir, applies to the expediency of some limitation or other. I am not now arguing the particular restriction. It will be for the House, in a future stage of the business, to consider the precise nature and extent of the restrictions. It may appear to some—I own I have no immediate view of the kind—that the restrictions on one part of the Regent's power should continue for one time, and the restriction on another part of his power for another time; because to those persons it may not appear necessary that the restrictions should be equally extended in duration. I apprehend, Sir, that it is not necessary for me at present to enter much into detail as to the nature of the restrictions which I propose to recommend, nor does it appear to me to be necessary to say much on my abstaining from proposing a council to aid the Regent, or any other such limitations of his authority. However proper such restraints might be at other times, I apprehend that in a time of war especially, it is infinitely preferable to impose a restriction on the power in the hands of the Regent in particular instances only, rather than by the appointment of a council to restrict that power generally. In the years 1788 and 1789, a period, Sir, to which I have so often referred, and to the proceedings in which, in my individual judgment, I bow as to great authority, it was intended to restrain the exercise of those very prerogatives on which it is my intention at present to propose restrictions. But there is a material difference in the two propositions, the cause of which I am anxious to explain. I repeat, Sir, that I look to the authority of the period to which I have alluded with the greatest reverence. I recollect whose judgment, whose abilities, and whose character presided over the transactions of those days; and although I do not expect the unanimous concurrence of those who hear me, in the opinion, I am nevertheless persuaded that from the circumstance of the plan being proposed after great deliberation, by the illustrious individual by whom it was proposed, the general presumption of the country is so much in favour of the following such a high authority in the present instance, that it is much more necessary for me to say why I depart from the plan of 1788 in any one instance, than why I adopt it in general. I shall therefore state the grounds which induce me to depart from the plan of 1788; I mean that part which relates to the limitations of the restrictions. In 1788, the Bill originally contained no limitation of the restrictions, Before it passed, however, a limitation was introduced, to the extent of three years, in the restriction on granting peerages. If I were asked why no limitation on the restrictions existed in the Bill of 1788 except to that which I have mentioned, I would reply, that I apprehend it was because at that time there prevailed such a complete ignorance as to the nature of his Majesty's disorder, and as to the probability of its duration, that those who imagined that his Majesty would recover at all, were considered as sanguine in the extreme. Although Dr. Willis and other medical men expressed their expectation that that recovery might take place at no very distant period, yet I am confident that those who recollect with me that period, will remember that the general impression on the public mind was, that his Majesty's case, if not wholly hopeless, was nearly so. So indefinite was the expectation of recovery, that the period at which the restrictions on the Regent were to terminate, was left entirely undefined; and it was understood, that during the course of the Regency, it might become a subject of parliamentary consideration, whether the restrictions on the power of the Regent should be taken off or continued. The Committee will, however, feel the great distinction between the power of parliament to review this subject at the period when the restrictions expire, and at a period when they still continue. In the latter case, the three branches of the legislature must concur in putting an end to the restrictions; in the former they must concur in restoring them. It is probable that the limitation on the granting of peerages in the year 1788, arose from the apprehensions that the jealousy of the Lords might otherwise secure the continuance of the restrictions during the whole period of the Regency; but if we limit the restrictions to twelve months, when these twelve months have elapsed, that restriction, and all other restrictions, will expire, unless every branch of the legislature concurs in providing for their continuance. This, Sir, is a material distinction between the present plan and that of 1788. I have been led to think that the duration of the restrictions which I recommend is not unreasonable. It appears, by a reference to the testimony of all the physicians, that in their opinion, the best criterion of the probable continuance of his Majesty's disorder is a consideration of what took place on former unhappy occasions of a similar nature. On that view of the subject, coupled with the alteration that, in the opinion of the physicians, the increased age of the royal patient may occasion in the period of his recovery, I ground my proposition. It appears to me, that if the House should agree to limit the restrictions to twelve months, they will afford his Majesty a much longer period than that occupied by his recovery in any former case; they will give him whatever may be advantageous in the change of seasons, they will allow a latitude sufficient, but not too extensive. I am very ready to admit that on this subject there may be a difference of opinion. Some gentlemen may think that the period of limitation ought to be longer, others that it ought to be much shorter. This, however, seems to be established, that for a certain period, we should ingraft into the Bill a limitation of the restrictions. There may be some, who, agreeing in the value of restrictions at a former period, may conceive, that what in 1788 was advisable, is, from the change of circumstances, not wise, expedient or even admissible at the present moment. Nothing, however, of change of circumstances occurs to me, Sir, except what may arise from the maturer age of his royal highness the Prince of Wales; from the present being a time of war instead of being a time of peace, and from any supposed alteration in the temper of the people, which may render it necessary to guard the royal authority with peculiar vigilance at a time when attempts may be anticipated to diminish its extent. Let us consider these circumstances.—And first, with regard to the maturer age of his royal highness, it surely cannot be maintained that in 1788, when the Prince was 26 or 27 years of age, there could be any doubt of the propriety of intrusting his royal highness with the royal authority on the score of his youth, when it is considered, that had there been a demise of the crown his royal highness would have been fully entitled to that authority. Nor does in my mind the difference between peace and war, make any difference in the question before us. I allow that there are prerogatives which may be restrained in peace with less inconvenience than in war, but those prerogatives are not of the number which I propose to restrain. Is there any reason because we happened to be at war, that the Regent should for the next twelve months be enabled to make as many peers, and to grant as many places and pensions for life as he pleases? Is there any thing in the nature of war, which demands that the Regent should exercise this power? That the Regent should possess complete controul over the army; that he should possess complete controul (as far as the royal authority extends) over the public purse; that he should possess generally all the great prerogatives of the crown; that he should be enabled to dissolve parliament, if the dissolution of parliament would impart greater efficiency to his government, all these are positions which I admit, and for which indeed I am ready to contend; but with the power of making peers, the war has nothing to do beyond that for which I have already stated I shall propose to provide. In war, cases certainly may occur in which the House and the public might lament that an instant opportunity was not afforded of conferring a mark of distinguished honour on the hero of an achievement, who might, perhaps, not live to enjoy it if it were postponed for a twelvemonth. Amidst the brilliant and important efforts of our navy and army, some action may occur in which it may be most desirable immediately to reward the gallant commander under whom it may be performed, who may perhaps be wounded on the ocean or in the field, and who, if the honour be withheld for a twelvemonth, may expire ere he receive it as the solace of his departing life. With respect to the remaining considerations, Sir, namely, the danger arising to the executive government from those who may be presumed more or less disposed to attempt the diminution of the royal authority, I confess that I have not the least apprehension on that ground. I contend, that if any thing could render it impossible that this or the other House of Parliament should receive with countenance or favour any attempt to abridge the royal power, it would be more especially the restrictions of that power which it is proposed for a time to impose. I think it would be the unanimous sentiment that at such a period any proposition of that nature ought to be postponed. I am persuaded that no one would wish to attack the royal authority, at a time when the crown did not possess all the energies necessary to its maintenance and defence. I trust therefore, Sir, I have proved, that the assertion of a change in circumstances since the year 1788 justifies a change in our proceedings is unfounded, and that there is not any thing in our domestic or foreign relations which renders necessary any deviation from the established precedent. I maintain that there are no particular objections to the plan at present proposed, but that the objections to the plan at present proposed were equally cogent when advanced against the plan of 1788. I come now, Sir, to consider the objections made to every diminution of the royal prerogative in the hands of the Regent. The argument is, that we are not to presume the existence of any prerogative which is not necessary for the benefit of the people, and, that if necessary for that purpose, it ought not to be limited or restrained.—But can any thing be so extravagant as to contend that because a prerogative is eventually necessary for the benefit of the people, that it cannot be limited for the period I have mentioned without injury? Can any thing be so extravagant as to contend that because the crown ought not to be stripped of its power of making peers, that power may not be limited for a short period, when the royal authority is in the hands of a Regent? Let us argue the case retrospectively. During the last four years, that is during the period that the present administration had been in office, with the exception of peers created for naval and military services, only two new peers had been made! What just reason, therefore, can there be for supposing that the constitution and the country will be endangered, if no peers were allowed to be created for the next twelve months? Again, during the administration which preceded us, and which remained in office a year, eleven or twelve peers were made. I do not allege this as an impropriety; I never heard it alledged as an impropriety; but I mention it to show the probability, that in the event of another change of administration (if another change should take place) a large creation of peers might be recommended. Is this desirable? It has been insinuated, Sir, by gentlemen on the other side of the House, that it was by no means clear that myself and my colleagues had any merit in this abstinence from the creation of peers, but that it was probable that his Majesty, observing how the power had been exercised, had determined for the future to take it into his own keeping, and not to allow such a number of peers to be made. Those who assumed this ground, had no right to assume it. But it makes good for my argument; for if his Majesty thought proper to take this power into his own keeping, and to resist the further creation of peers, where will be the expediency of omitting to provide, in the proposed bill, against the abuse of an authority which his Majesty is so desirous should not be abused? I deny, however, the assumption. The opinion of his Majesty concurring with that of his advisers, has led to the abstinent use which has been made of this part of the royal prerogative. There is surely good ground to provide that this precaution, which has existed for four years, and it may be easily supposed not without substantial reasons, shall not be destroyed in four months. The honourable gentlemen opposite have said, that the plan which I propose is degrading to the monarchy and disrespectful to the illustrious personages who are immediately concerned. How? Can it be said that any restrictions of the description which I propose, introduced for the purpose of preserving to the monarch his rights on his restoration to health, is degrading to his Majesty? Is the anxiety of parliament that nothing should be done to interfere with his Majesty's power on his recovery disrespectful, or does it evince any thing but the lively interest which parliament takes in the monarch as well as in the monarchy? Still more strongly do I deny the imputation of intended disrespect towards his royal highness the Prince of Wales. By whom, Sir, is this imputed? Is it by those who are so fond of talking of the love of liberty, and of the danger of trusting uncontrolled power in the hands of any individual? Is it to be endured, that we are now to be told by these men, that when power is placed in the hands of an officer, it is an insult to the officer to provide that the power shall not be abused? What is the nature of the trust? Doubtless the prerogatives of the Crown are placed in the hands of the crown as a trust for the people. They will be placed in the hands of the Regent as a trust for the people too; but they will also be placed in his hands as a trust for his Majesty. We are called upon to make provision that both trusts shall be duly executed. We are called upon to restrain the mal-exercise of both. Sir, I am ready to push this argument to any extent. If a reference be made to the principle that the King can do no wrong, if that principle be extended to the declaration that the Prince of Wales can do no wrong, I will ask in reply, if they may not both be ill advised. Give me leave to say, Sir, that when we are told, as we have lately been, that in consequence of the age of his Majesty, the state of his sight, and other circumstances rendering it desirable for him to live in a more retired manner than that by which he formerly used to gratify his affectionate subjects, the people may not be perfectly satisfied of the actual recovery of his Majesty whenever that recovery may happily take place—give me leave to say, Sir, that when we are told this, it is proper we should reflect very seriously on the steps which we ought to pursue. Every man will take care how he acts on such a consideration of the subject. But it is possible that such an opinion as that to which I have alluded may enter the minds of those whose province it may be to advise the Regent, and it is possible that the Regent may be induced by such opinions not to give credit to the recovery of his Majesty. I state this, Sir, only as a possible case, which if Parliament did not contemplate they would not do their duty.—We are called upon to provide such regulations as may make the resumption of power by the King easy, and the exercise of that power, when resumed, unembarrassed.—(A cry of hear, hear! from the Opposition benches.)—No clamour, Sir, shall ever induce me to retract this opinion; no clamour shall induce me to abstain from proclaiming it as a consideration of the highest importance, to which our attention should be peculiarly directed, and from which we should not be deterred by any apprehension that our motives may be misinterpreted. With this view of the subject, it seems to me to be incumbent, that while we give the power, we should give it in such a manner as to show to the Officer to whom it is given that it is not his own authority, but that he is a trustee for another. In every case of regency, but more particularly where the Regent is the next successor to the crown, it is the indispensible duty of Parliament to mark that the power is not the Regent's but the King's. It is therefore, Sir, that I think that while the Regent should be armed with all these prerogatives beneficial to the subject—that while he should be strong in those respects, he should be weak for any thing which, by misadvice, might thwart the restoration of his Majesty to power, or might thwart the exercise of that power when resumed. I shall propose, therefore, Sir, the following Resolutions:—

"That it is the opinion of this Committee, that, for a time to be limited, the power so to be given to his royal highness the Prince of Wales shall not extend to the granting of any Rank or Dignity of the Peerage of the realm to any person whatever, except such person or persons as may perform some singular naval or military achievement.

"That it is the opinion of this Committee, that, for a time to be limited, the said power shall not extend to the granting of any Office whatever in Reversion, or to the granting of any office, salary, or premium, for any other term than during his Majesty's pleasure, except such offices as are by law required to be granted for life or during good behaviour."

I apprehend, Sir, that as the same general reasoning applies to the last Resolution as to that which respects the Peerage, I need not trouble the House by urging any thing further on the subject. There has been an alteration in the law since the year 1788, with respect to his Majesty's personal and private property, which renders it necessary to change the nature of the Resolution on that subject. Instead, therefore, of the Resolution agreed to in 1788, I propose the following:—

"That it is the opinion of this Committee, that such parts of his Majesty's private Property as are not vested in trustees shall be vested in trustees for the benefit of his Majesty."

The particular provisions for carrying this resolution into effect, will be detailed in the Bill which it is my intention to submit to the House. They will of course be affected by the Act of 1796, to which I have already alluded.—I have now, Sir, said all that it seems to me to be necessary to say with respect to the four first Resolutions. If I thought it probable that we should go into the consideration of the fifth Resolution this evening, I would state my sentiments upon it. However, it does not seem to me likely that we shall do so, and I think it would be better to abstain at present from any such statement. (Go on! Go on! from the Opposition Benches.) As a wish has been expressed by the gentlemen on the other side that I would proceed, I will state my views generally—not particularly, because I repeat that I do not think it probable we shall enter into a discussion on this part of the subject to night. The Resolution relates to the royal household; it will be as follows:—

"That it is the opinion of this Committee, that the care of his Majesty's royal "person, during the continuance of his "Majesty's illness, shall be committed to "the care of the Queen's most excellent "Majesty; and that, for a time to be "limited, her Majesty shall have the "power to remove from, and to nominate "and appoint such persons as she shall "think proper, to the several offices in his "Majesty's household; and to dispose, "order, and manage all other matters and "things relating to the care of his Majesty's royal person, during the time afore"said; and that, for the better enabling "her Majesty to discharge this important "task, it is also expedient that a Council "shall be appointed to advise and assist "her Majesty in the several matters afore"said; and with power, from time to time, "as they may see cause, to examine, upon "oath, the physicians and others attending "his Majesty's person touching the state "of his Majesty's health, and all matters "relative thereto."

The Committee will see, Sir, from this Resolution, that the care of his Majesty's person is to be committed, as of course every one will conceive it ought to be committed, to her Majesty the Queen during the continuance of the Regency; but that her Majesty's power over the household is to be limited, with a view to the same considerations as those which induced the proposed limitations in the other resolutions. Some variation may, probably, with advantage, take place in the appointment of the Council to advise and assist her Majesty. In the former Bill, four persons were appointed for that purpose; some of whom were specified by name, and others by the offices which they held in the household; the consequence of which was, that those of the latter description, being removeable at pleasure, the council was rendered not permanent. It appears to me expedient to correct this evil, although it is not necessary to introduce in the Resolution the names of the individuals, whom I shall propose in the Bill. If the provision by which her Majesty is to have the controul of the household were to be a permanent arrangement, it might possibly be open to some objection; but when it is considered that twelve months will be the utmost extent of its continuance, and that we may fairly indulge a hope of its speedier termination—when we also consider the nature of the household, and a variety of peculiar circumstances connected with it—I am sure the Committee will revolt at the idea of adopting any measure by which, if his Majesty should recover in six weeks after the passing of the Bill, he will find that the controul of the household has been removed. With respect therefore to the controul of the household, whatever may be the future arrangements of parliament, all that the Committee are now called upon to agree to is, that for a limited time that controul shall be in her Majesty's hands. With respect to that part of the fifth Resolution, which relates to the care of his Majesty's person, there can be no doubt that during the continuance of the Regency that trust will be allowed to remain with the royal personage in whom, by the resolution, it will be vested. At the expiration therefore of the period of limitation parliament will doubtless take some steps on the subject. For although it may not be advisable that after the expiration of that limitation her Majesty should retain the controul over the whole of the household, yet some arrangement will be necessary with respect to the immediate establishment of their Majesties. This, however, is a subject, the detail of which may be more advantageously entered upon at a future period than at the present moment. At the present moment, we have only to decide, whether or not her Majesty shall, for a time to be limited, have the controul of the royal household. If, according to the opinion of the gentlemen opposite, no power whatever over the household should be vested in her Majesty, the consequence would be, that if his Majesty were to recover a fortnight after the passing of the Bill, he would find his household deranged, and his whole domestic establishment subverted. I am persuaded, therefore, that parliament will be of opinion that the royal power over the household should be continued for a given period. I confess, Sir, that if there is any part of the provisions of the plan of 1788, which I am more particularly anxious to carry into effect than another, it is that part of them which respects the domestic arrangements of his Majesty's houshold. It would be most ungracious when, after experiencing the blessings of his Majesty's reign for 28 years, Parliament in 1788 adopted a provision on this subject similar to that which I propose, but without limit, a provision to which they were prompted by respect for his Majesty's character, and tenderness for his Majesty's feelings. I say, Sir, it would be most ungenerous, were his Majesty to recover at a short period from the present, and on a comparison of what it was intended to do in 1788 with what had been done in 1811, to be led to conclude that the last 22 years of his life had diminished rather than increased the attachment of his subjects. I freely admit that this consideration ought not to have any weight if opposed by any great constitutional objection to the measure; but if no constitutional objection existed in 1788, no constitutional objection can exist at present; and surely, Sir, we cannot be less anxious at the present than at the former period, to act on principles of the most delicate attention to the feelings of our beloved monarch, and to spare him the mortification of finding that it had not been thought proper to treat him with all the consideration to which he had formerly been considered entitled.

The first Resolution was then read by the Chairman; upon which,

The Honourable *William Lambe* in rising expressed his inability to follow the right hon. gent. through the more minute parts of his able speech, but felt it to be his duty to submit some observations upon the general principles involved in this great question to the consideration of the House. The right hon. gent. had now opened the plan, under which he proposed to commit, during the incapacity of his Majesty, to his royal highness the Prince of Wales the government of these realms; and it was for Parliament to decide how far that plan was expedient, or whether it was such as could with propriety be adopted. With respect to those functions derived under the King, but in the exercise of which he had no immediate concern, such as the administration of justice in the courts of law, it was evident that the royal authority had suffered no diminution, and that the powers of the executive were in their full force and vigour; but where the mind of Majesty was to be applied, where the personal judgment of the Sovereign was to be called into action, there the executive was incomplete, and those powers were dead and gone, and dormant to as great an extent as would result even from the demise of the King. The question now, therefore, before the Committee was, whether they would supply those powers in a complete and efficient manner, or in the mode proposed by the right hon. gent. With respect to the precedent of 1788, upon which so much had been said, and to which so much authority had been ascribed, he must say, that having never been carried into effect, it wanted the great sanction of all authority, it wanted the sanction which every precedent should have, that of experience. It was in reality no precedent, and he was convinced that had it been carried into effect at that period, the consequences would have been found to be most injurious to the country. But should any gentleman from deference to the characters of the eminent men of that day, and more particularly to that of the distinguished individual with whom it originated, be inclined to look to it with more respect, they would do well to consider the times that had passed over in the interval, and the different circumstances in which the country stood, and stands respectively at the two different periods. It was not enough in describing that difference, to say with the right hon. gent., that we were then in a state of peace, and now in a state of war, (and here he must beg to remark that there was a reprehensible levity in the right hon. gent.'s manner upon this part of the subject, which he thought but ill accorded with its nature and importance) the country was then not only in a state of peace, but of internal tranquillity and safety; now it was engaged in foreign war, oppressed with internal dissatisfaction, surrounded with peril and with danger. Such was the situation in which they were called upon to constitute a limited Regency; but let gentlemen put it to their own minds, then, whether, under such circumstances, a proposition of that kind could with propriety be acceded to; and with respect to the precedent of 1788, so much but so undeservedly relied on, let them reflect, whether, if the limited government then projected had been carried into effect, and his Majesty had not happily recovered, that government would have had force or energy enough to weather the storm of the French Revolution. It was not necessary for him to speak here of the measures adopted at that period, or the alarm which was spread in consequence of that great event, men's minds were sufficiently made up on these points. There might have been, and he had no doubt that there were, many persons in that and in this country, who believed that the alarms which prevailed in this country, during the French Revolution, had no solid foundation, and were excited without any justifiable cause; but there were also gentlemen who believed that there were real grounds for those alarms; and he would therefore put it to those gentlemen to say, if they believed that during the period of those alarms we should have been able to weather the storm with the arm of the royal prerogative so palsied and weakened? With respect to external danger at the present moment, he had not words to express his sense of it, and as to domestic danger, though he had not much fear in general of opinions that could be met with other opinions, he was not without his apprehension. What were called jacobinical principles in the former instance—the refinements of philosophy, and the speculations of theorists which characterised that day, carried a sort of corrective in their own wildness and extravagance; but the doctrines which were now afloat were much more dangerous, because more specious and more seemingly constitutional. But after all, why should Parliament entertain such suspicions of his Royal Highness as were evidently to be inferred from imposing such limitations? He did not mean to offer any personal eulogium upon that illustrious Personage, agreeing, as he did, with the right hon. gent. in the impropriety and irrelevancy of it upon the present occasion; but still he could not avoid saying, that he considered such suspicions wholly unfounded and unnecessary. Why was that illustrious person to be deprived of the necessary power, for effectually exercising the royal prerogative? The right hon. gent. told them that he would vest him with all the powers of that prerogative, necessary to carry on external war, because the interests of the country demand that he should have the most ample powers in that respect; but that it was otherwise in the internal management of the nation. Why did the right hon. gent. make this distinction? Was not this a most dangerous doctrine? Are we not taught to consider the power of his Majesty and that of the country as one and the same, and that the one assists and supports the other? Are not the powers of his Majesty in external war materially influenced by the internal management of the country? With respect to the power of creating peers he differed very much from the right hon. gent. The right hon. gent. had been careful to state the few creations which had taken place during his administration; and he had been no less studious to point out a period wherein he conceived the power of creating peers to have been abused. But he would contend that the instance brought forward was by no means an abuse of the royal prerogative; and that these creations were highly necessary and expedient. They were necessary to give to the House of Peers an accession of property and influence corresponding to the growing prosperity of the nation. As to the danger of bad advice being given to the Regent, he could see no reason for assuming that a Regent would be influenced by bad advisers any more than a King; and to his mind it appeared most clear, that any arguments, which applied in support of the restrictions in the one case, would equally apply in the other.

As to the household establishment, which the right hon. gent. was at first unwilling to enter upon this evening, he would say, that the officers of the household are officers appointed for the purpose of supporting the splendour and magnificence of the crown. The House would do well to consider, that in all the plans of reform which had yet been submitted to them, no reformer had ever attempted to encroach on the magnificence of the throne. This had always been considered as essential to the executive; and surely they could not think it proper, in the present case, to attempt to disjoin that splendour from the executive. To his Majesty that splendour was now useless; it could minister to him no enjoyment, it could afford him no gratification. Why therefore should there be two households? Surely in the present state of the nation, when economy was so necessary, and considering how little prospect there was of his Majesty's recovery, it was every thing but wise, to saddle the nation with two establishments, one for his Majesty and the other for the Regent. What however was the object of the proposed limitation of the Regent's controul over the royal household? The whole object was professed to be delicacy to his Majesty, that his Majesty may find on his recovery the same persons around him whom he saw previous to his calamity. If this was the object, he must say, that the method proposed afforded no such security; according to this resolution the Queen might remove them if she pleased, and he did not know that in this respect a tribute of delicacy was more likely to be paid by her Majesty than by his royal highness. But the body to which he alluded, the lords of the bed-chamber, &c. was also a political body, and the question now was, not whether the influence of such a political body should remain, but whether it should be put into other hands than those of the Regent? (Hear, hear!) —Many books had been lately written on the subject of the influence of the crown, and some by honourable and right honourable members of that House. In some of these, it was contended, and with great show of reason, that the influence of the crown has not been lately increased, and was barely sufficient for the due carrying on of the business of the nation. He would put it to those gentlemen who entertained these sentiments, how they could conscientiously vote on the present occasion, that the powers of the executive ought to be limited. He would put it to those gentlemen who had the most recent experience of the difficulties thrown in the way of government by the different parties in that House, and in the country, to say, if they found the management of the public affairs with the unimpaired vigour of the crown, so very easy a matter. But, if the influence of parties prevailed at present, what would they be during a Regency? A Regency, as was well known, was the period when factions of all kinds were sure to prevail the most. Was it the duty of the Committee then to weaken the arm of the executive at a period when it ought to be the strongest? He would, therefore, put it to the Committee, if it was not their duty so to legislate on the present occasion, as to prevent the danger to be apprehended from the collision of these factions and parties, and so as to prevent the undue diminution of the influence of the crown. He therefore moved, as an Amendment, That the last words of the Resolution, "subject to such Restrictions and limitations as should be provided," be omitted; but in moving this Amendment, he abstained from any reference to the limitations which were connected with the custody of his Majesty's person, and the arrangement of his household, as those were to become the object of future discussion.

Mr. *Canning* rose and spoke as follows: —Sir, having upon a former occasion taken the liberty of intimating to the Committee the opinion, that I had formed respecting the restrictions, which my right hon. friend then declared his intention to propose, and which, in a most perspicuous and able speech, he has now proposed to us, I was anxious to follow my right hon. friend, and to explain as early as possible the grounds upon which I differ this night from him in opinion. I was anxious to do this, before the debate could possibly have grown into asperity or contention,—asperity in which I utterly disclaim any participation—contention in which, I trust, I need not assure my right hon. friend I should be most unwilling to engage in any difference with him. I nevertheless most readily gave way to the hon. gent. (Mr. Lamb) who has just sat down, whom from our concurrence in sentiment on this occasion I believe I may call in a parliamentary, as I am happy to call him in a private sense my hon. friend;—and whom I can with sincerity assure, that no one has listened to him with more pleasure, than I have done; more particularly from his having discussed the subject in debate with that moderation, with which such a discussion ought to be commenced, and with which I hope it is to continue to be conducted.

Sir, after the various and ample discussion which the great question, upon which we are engaged, has undergone, we are now arrived at that point in our proceedings, at which the opinions of those who have hitherto generally agreed, may naturally be expected to separate and diverge; at which many of those who have hitherto felt themselves bound to go along with my right hon. friend in pursuance of the precedent, which he most properly has proposed as the general rule of his conduct, may apprehend, and, in my judgment correctly, that the precedent which has kept us together thus far, ceases to apply. In short, Sir, we are arrived at that point, where authority fails us, and where discretion must begin. Justly as the precedent of 1788, has been represented as affording a rule for the conduct of parliament in all cases of similar visitation—as the sure basis of all future legislation upon emergencies like that to which it applied; it seems obvious, that it is only so far as the circumstances of the emergency are alike, and only so far as the precedent itself was completed, that there is any just ground for reasoning conclusively from its authority. To the discussion of points not decided in 1788, and of circumstances essentially different from those of that time, we come as to so many new questions; unbiassed by the authority of a precedent not strictly applicable, and unfettered in our judgments, so long as we keep the range of our respective opinions within the sphere of the constitution.

The authority attributed, and justly attributed to the precedent of 1788 is twofold—that which belongs to it as a proceeding of parliament; and that which it derives from the sanction of the great names of those, who devised and conducted the parliamentary proceedings of that day. The first branch of this division—its authority as a proceeding of parliament, is again distinguishable into two parts; that which actually received the final sanction of the two Houses of Parliament, and that which was left inchoate but imperfect. The former may be justly described in strict parliamentary language as a parliamentary precedent. The latter, whatever opinion we may entertain of what might possibly or even probably have been the ultimate decision of the two Houses respecting measures in progress, but not completed, cannot be considered in the light of authoritative precedent.

It has been argued by my right hon. friend, and well and rightly argued, that the authority of what was done at that period by the two Houses of Parliament had been greatly augmented by the subsequent approbation of his Majesty after his recovery; that the royal authority having, when revived, sanctioned retrospectively the proceedings adopted during its suspension, told back upon all the antecedent stages of their progress, and gave an effect to what had been done equivalent to the royal assent to any act of parliament. But though such may have been the effect of his Majesty's subsequent approbation upon such part of those proceedings, as had received the final sanction of the two Houses of Parliament, it cannot be contended, that such approbation told equally in confirmation of those other parts of the precedent, which neither had been previously, nor were subsequently, carried into effect; which were merely the acts of the House of Commons, and had never received the sanction of the other House. On the contrary, if that, which had been agreed to by both Houses, is admitted to have received confirmation by being subsequently approved of by his Majesty, I am intitled to insist by a parity of reasoning, that, whatever parts are so defective as not to have received the sanction even of both Houses of Parliament, cannot possibly be considered as of authority equally binding. If such proceedings being found imperfect and incomplete at the time of the King's recovery, because not having then received the concurrence of one of the branches of the legislature; if the Regency Bill then in the House of Lords had carried forward to their completion, and passed with a prospective view, undoubtedly the provisions of that Bill would have been binding as the act of the whole of the legislature; and this would surely have been the course pursued had it been the purpose of the parliament or of the government of that day to make the Regency Bill of 1789 a precedent for all future occasions. But if, so far from having been approved of, adopted, and enacted into law, the Regency Bill was immediately upon the King's recovery rejected by the Lords, is the mere circumstance of its having been proposed and discussed, and formally decided upon in one House of Parliament, to be considered as placing it on the same footing with proceedings clothed with full parliamentary authority, and having received their confirmation from the crown? Upon the very grounds upon which my right hon. friend contends, and I agree with him in contending, for the authority of the former part of the proceedings of 1788, which we have hitherto faithfully copied; I must deny the same validity to the remainder; unless we are prepared to exalt conjecture into precedent; to give the face of legislation to the projects of former times; and to equalise solemn and recorded acts of parliament with the traced intentions of individuals, or at most of one branch of the legislature.

There is, however, another species of authority, not binding indeed as that of the legislature, but one nevertheless of no small obligation, derived from the character of those engaged in any great political transaction. Of him who carried through this House those proceedings, which furnish the precedent for the measures now under discussion, it cannot be necessary for me to say, that I cherish his memory with as much affection and veneration as any man, who is the most forward to quote or to imitate his conduct. Yet ardent as is my attachment to the character, and deep and unfeigned as is my respect for the opinions of Mr. Pitt, I still cannot think myself warranted to claim, nor can I expect that others—that the House—would allow the authority of those opinions, great as it may be, an equal weight with the positive enactments of the legislature. This I could not do, nor expect others to concur in doing, even if in looking back to the history and progress of the proceedings in 1788, I were to find, that the course then pursued, in framing the provisions for the establishment of the Regency, had been marked from the beginning by some principle as clearly defined—as that which formed the foundation of the prior part of those proceedings; namely, of the averment of the right and duty of the two Houses to provide for the exercise of the regal power. But nothing can be more distinguishable than the two different stages of the proceeding upon that emergency: that in which parliament affirmed and established the right of the two Houses to provide, and that in which it proceeded to frame the provision: distinguishable not more in the degrees of their intrinsic importance, than in those of the authority which they respectively derive from parliamentary or individual sanction.

The right of the two Houses was proclaimed and maintained by Mr. Pitt: that is the point on which his authority is truly valuable; on that point it was confirmed by the adoption of both Houses of Parliament: it was acted upon by them to the fullest extent; and that proceeding of the two Houses it was, which received the subsequent sanction of the crown. The principles, upon which this right was affirmed and exercised, if true at all, are true universally, for all times and on all occasions. If they were the principles of the constitution in 1788, they are equally so in 1811. The lapse of twenty two years has not impaired—the lapse of centuries cannot impair them. But the mode in which the right so asserted should be exercised, the precise provisions to be framed for the temporary substitution of the executive power,—these were necessarily then, as they must be now, matters not of eternal and invariable principle, but of prudence and expediency. In regard to these, therefore, the authority of the opinions of any individual, however great and wise and venerable, can be taken only with reference to the circumstances of the time in which he had to act, and are not to be applied without change or modification to other times and circumstances. We have Mr. Pitt's authority against such an application of them, for if he had thought the Regency Bill ought to have passed as a model for future times, why was it dropped? why was it not completed and recorded together with the foregoing part of the proceedings of that day? Nor is the final fate of the Regency Bill the only argument against the conclusive authority of its provisions. In the very progress of it through this House, any man, who has read or can remember the history of that period, must know, that opinions were greatly divided with respect to many parts of that Bill, even among those who were generally favourable to its object, and to Mr. Pitt's administration; and that, in the very last stage of its progress, when the Bill was in the hands of the Speaker, and ready to take its flight to the Lords, Mr. Pitt consented to two most material alterations with respect to some of the restrictions, which we have this night proposed for our adoption: the first limiting the restriction of the prerogative of creating peers to three years, recommended, I believe, by the late Sir Wm. then Mr. Pulteney, the other reserving to parliament the power of reconsidering that clause which restricted the grant of offices for life, in the case of any person, whom the Regent might appoint to the office of Lord Chancellor. I am, therefore surely borne out in my argument, that the proceedings upon the Bill are not fairly to be assimilated in authority to those previous procedings of both Houses, which were founded on constitutional principles applicable to all times and all circumstances; but that the provisions of the Bill were shaped and fashioned to the particular circumstances and exigency of the occasion. It follows that they are liable to be so shaped and fashioned now, without any derogation from the authority, or any deriliction of the principles of the legislature of that day; or of that great man, by whom the deliberations of this branch of the legislature were particularly guided.

Having thus cleared away from the discussion all that undue influence, which has been attempted to be raised on presumed authority, and which if admitted would be a bar to any discussion at all, I come now, Sir, to an impartial consideration of the nature and principles of the question immediately before us. Omitting for the present any reference to the former period, of which so much has been said, I shall take the liberty to consider the measure now proposed to us upon its own grounds, and with reference to the time and to the circumstances in which it is proposed. What then is the nature of the duty imposed upon us by the emergency in which we stand? What steps have been already taken by us in discharge of that duty? What is the precise object of this night's deliberation?

We have already solemnly determined that it is the right as well as the duty of the two Houses of Parliament to provide for the due discharge of the royal functions during the lamented incapacity of the sovereign. In effecting this purpose we are all agreed, that, while we provide for the temporary exercise of the regal power, every necessary provision should be made to secure to his Majesty the effectual resumption of his functions in the happy event of his recovery. We are all agreed that the most advisable and expedient mode of carrying on the executive government during this interval will be by a sole Regent; and that the Regent so to be appointed should be no other than the illustrious individual by birth and situation nearest to the throne. The question of to-night is, what portion of the regal powers and prerogatives should be given to the Regent for the execution of the arduous trust confided to him; or what portion withholden from him, for the purpose (as I understand) of marking that it is a trust confided, and not a right adjudged to him?

Apprehensions have been shadowed out rather than expressed by my right hon. friend, that, if the whole prerogatives were made over to the illustrious person in question, he, but not he more than any other individual placed in similar circumstances, might be led to regard himself in another light than that of a trustee:—that, in the full and unrestricted exercise of the powers of the sovereign, he might forget that they were exercised by him only in the name and on the behalf of their rightful possessor; that he might consider them as an inheritance, rather than as a deposit, to be restored entire and unimpaired, whenever it may be the will of Providence to re-establish the health of his Majesty. I confess I do not share in these apprehensions. The case itself—the discussions in this and in the other House of Parliament—the sentiments expressed so distinctly and unequivocally in every part of our recorded proceedings—the common sense and feeling of the whole country—all must concur to shew to the Regent the real nature of his trust and office: even if, in the absence of any or all of these indications, it were possible that he could have conceived any powers to be vested in him, which would not be to be resumed by his Majesty at the moment of his recovery.

The quantum of power, to be confided to the Regent, must then be decided by other considerations than that of the danger, to be apprehended from a mistake so monstrous on the part of the Regent himself, an apprehension in my judgment altogether visionary. We must consider what is the task which the Regent will have to perform, and what are the powers requisite for its due performance. Having found and recorded the actual incapacity of the sovereign: having assumed and asserted the right and the duty of the two Houses of Parliament to supply that incapacity, let us now consider, what is the nature of the business, which through incapacity stands still, and which we are to find the means of carrying on. It is the business of a mighty monarchy. It consists in the exercise of functions as large as the mind of man can conceive:—in the regulation and direction of the affairs of a great, a free, and a powerful people;—in the care of their internal security and external interests;—in the conduct of foreign negociations;—in the decision of the vital questions of peace and war;—and in the administration of the government throughout all the parts, provinces, and dependencies of an empire, extending itself into every quarter of the globe.

This is the awful office of a King; the temporary execution of which we are now about to devolve upon the Regent. What is it—considering the irresponsibility of the sovereign as an essential part of the constitution,—what is it that affords a security to the people for the faithful exercise of all these important functions? The responsibility of ministers. What are the means by which these functions operate? They are those which, according to the inherent imperfection of human nature, have at all times been the only motives to human actions, the only controul upon them of certain and permanent operation, the punishment of evil and the reward of merit. Such then being the functions of monarchical government, and such being the means of rendering them efficient to the purposes of good government, are we to be told that, in providing for its delegation, while it is not possible to curtail those powers, which are in their nature harsh and unpopular, it is necessary to abridge these milder, more amiable and endearing prerogatives, which bear an aspect of grace and favour towards the subject? or are we to be told that in depriving the Regent of the means of grace to sweeten the exercise of power, while we impose upon him all the invidious functions of government, we are not making a most serious change in that branch of the constitution, which we profess our desire to uphold in all its powers and prerogatives?

My right hon. friend says, that our duty and indeed our right to act is limited by the necessity which creates it. We should not be justified, he contends, in doing any thing, but what the pressure of this necessity actually requires to be done. I adopt my right hon. friend's principle: but I apply it differently. What is necessary is, to provide for carrying on the functions of the disabled sovereign: What is not necessary is, to change their nature. What is necessary is, that the government should go on: What is not necessary is, that part of it should be arrested. We are compelled by necessity to delegate the exercise of the executive authority to a Regent: but there is no necessity for making that exercise more difficult in his hands than in those of the rightful possessor; for imposing new difficulties upon this arduous office—diminishing the means of its efficiency—and adding to the irksomeness of its burthen. It is neither necessary nor politic, in my opinion, to mark distrust and jealousy, when, by the free tender of a magnanimous confidence, we might alleviate at least the heavy responsibility which we impose, and furnish incitements to the faithful discharge of it, such as jealousy and distrust are little calculated to inspire.

But perhaps the prerogatives of the crown are more than adequate to the discharge of its important duties, more than sufficient to maintain the dignity and lustre of that throne, which he, to whom we are now entrusting the support of its rights and powers, will in due time himself be called to fill? Perhaps this temporary delegation affords an opportunity for trying an experiment, which in the person of the rightful occupant could not be tried without danger.

Sir, I confess I dread the example of this experiment, not for any use which I believe to be intended to be made of it by my right hon. friend, most assuredly not, but from the manner in which it is likely to be welcomed, felt, and treasured up for future use by others, who may be disposed to employ it for purposes very foreign to his views. I am not one of those, Sir, who think the crown already too powerful. That, I am convinced, is not the sentiment of my right hon. friend any more than it is mine. And being of opinion that the executive power in this country does not possess too much influence, or too extensive means of rewarding public services, I must in consistency with that opinion, contend that, whatever portion of the powers of the crown shall be withheld from the Regent, will be so much taken away from what is necessary for the due discharge of the indispensible functions of the monarchy.

This, Sir, is my general view, with regard to the proposed restrictions, or rather, of the principle of restriction itself as applied to the munificent prerogatives of the crown in the hands of the Regent. Thus I think of it, as compared generally with the general principles of the constitution. But is there any peculiar consideration arising out of the times in which we live, arising out of the present circumstances of the country, which lessens the force of the objections, which I have taken the liberty to urge, and renders that course safe and profitable now, which, I think, I have shewn to be generally inexpedient? The answer to this question is, the precedent of 1788. Sir, I will not say that in 1788 restrictions might not have been expedient. I will not go into the circumstances, because I will not revive the animosities, of that period. But if not absolutely necessary then, at least they might have been harmless. I perfectly concur in the observation of my hon. friend opposite (Mr. Lamb) as to the difference between the circumstances of the country in the year 1788 and at the present moment. I agree with him, that my right hon. friend, in stating that difference to consist merely in the simple opposition of a state of war to a state of peace, has treated this argument with somewhat of levity, and greatly under-rated its force. My right hon. friend seems to think, that the only effect of such a difference in the situation of the country, is to render such of the royal functions as are particularly and directly applicable to a state of war, more necessary to be preserved in full efficiency on this occasion than in the year 1788. Surely this is a very narrow and imperfect view of the question. When I admit, that, in time of profound peace, some of the functions of the executive government might have remained in repose with little disadvantage, as compared with that which would result from suspending their activity in a time of war; do I, therefore, mean that the difference between a state of war and a state of peace, as bearing upon the question, consists exclusively in military operations? Do I mean that the powers of the executive government which enable the Sovereign to meet the exigencies of war, are those only, which are exercised in the management of fleets and armies? Do I mean that there are peace prerogatives and war prerogatives, perfectly distinct in their nature, one half of which may occasionally be suspended, so that the other half be continued in activity? No, Sir, a state of war is not merely a state implying military enterprizes and military dangers, and requiring military means and exertions. It is a state of civil, as well as military hazard and difficulty. Failures as extensive as unexpected, and as unmerited as either, must at least be contemplated as possible in the course of a war—even of one generally fortunate, and well conducted—the pressure of pecuniary burdens upon all classes of the community, is necessarily aggravated; trade suffers; danger is apprehended; and does my right hon. friend conceive, then, that a state of war involving the possibility of so many perils—of so much public embarrassment and national disappointment, must not materially augment the difficulties in every part of the home administration of the government? Does my right hon. friend state the question fairly, when he supposes it to bear only on the conduct of the war itself; and on the powers directly and specifically applicable to military operations? Does it not affect the whole of the powers of the government? And can it be expedient, is it even consistent with a just regard to the security of the nation, that the general powers of the kingly office, necessary, even in time of peace, for conducting the administration of the country, should be restricted at a time, when the person in whose hands they are placed is called to the task of carrying on an arduous war, encompassed with all the various and accumulated difficulties, foreign and domestic, which are inevitably inseparable from such a state of things?

Do not let it be imagined, Sir, that, in stating these difficulties, it is my wish to magnify them beyond their just size. I am desirous of being distinctly understood not to entertain the slightest apprehension, but that the country possesses in ample store, both the spirit and the means to meet and successfully to overcome them, (hear! hear! hear!) All that I mean to infer from this statement, is, that difficulties of such an extensive and complicated nature, afford strong grounds of objection against imposing any unnecessary restrictions upon any of the functions of the executive government—that it is not a fair view of the nature of these functions, to suppose them capable of being separated and parcelled out—one for this purpose, one for that—one for time of peace, another for time of war—but, that the body of the prerogatives must be considered as a whole, constituting by the assemblage and union the aggregate power of the kingly office, not as I think greater than is necessary for the carrying on the government well, and more indispensably necessary than ever in times of national difficulty and national exertion.

My right hon. friend, therefore, does not appear to me to have done any thing towards extenuating the obvious distinction between a season of peace such as that of 1788, and one of war, such as the present, or towards reconciling the precedent of 1788 in its provisions and details to the exigency of the present occasion, by merely keeping alive, what he is pleased to consider the warlike part of the prerogative, of making peers, for instance, while he throws that prerogative and others generally into abeyance. In attempting this he has indeed done quite enough to shew, that he himself distrusts and cannot follow out the precedent of 1788, to shew, that it is not applicable to these times; that he cannot adopt the Restrictions and Limitations of 1788, without restricting those Restrictions and limiting those Limitations; and after a forcible and elaborate panegyric upon the Regency Bill of 1788—after holding it up, and strongly recommending it to the Committee as the rule of their conduct—after intimating no small surprise, that any admirer of Mr. Pitt should presume to question any part of it as applicable to the present state of things, he concludes by presenting it in a changed and mutilated state, and, I will venture to say, in scarce one material clause precisely the same as it passed this House in 1789. This is surely a singular way of proving the veneration which he feels for this precedent himself, or of inculcating it in others.

Now, Sir, I have ventured to give it as my opinion, that the Restrictions and Limitations of 1789 are not applicable to the present time. My right hon. friend may, therefore, have flattered himself, that I am one of those, who are to be gratified by his Restrictions and Limitations upon them. I do not know whether he is prepared to hear from me that I disapprove his Restrictions and Limitations, upon the Restrictions and Limitations even more than the original ones; that thinking the plan altogether objectionable, I think this, which he intends as a mitigation and improvement, the most objectionable part of it. Extraordinary as my right hon. friend may think this declaration at first sight, I flatter myself I shall be able to make it intelligible to him, if not to induce him to concur in it.

My sentiments are too well known within these walls, not to secure me from any imputation of wishing to shut the ranks of the peerage against those, whose distinguished merit, in their country's service by sea or land, shall hereafter intitle them to such exalted honours. The achievements of military heroism are by the common consent of mankind fit objects of the highest reward. Would I consent to check so legitimate and beneficial an ambition?—to damp an ardour as splendid in its character as pure in its motives?—to withdraw from valour and prowess the just incitement which arises from an enthusiastic hope of identifying their personal fame with the greatness and the glory of their country? What! if lord Wellington, who has displayed so eminently during the late campaign, those distinguished qualities of a general, which he was supposed, but falsely supposed, not to possess—should, before the conclusion of the present year, exhibit to his admiring and grateful countrymen another specimen of those more shining qualities, for which he has been uniformly acknowledged to be conspicuous, and should terminate a campaign, signalized by such consummate prudence and skill, by an achievement more congenial perhaps to his nature and habits—a brilliant victory—would I be the man to deny to him the well merited reward of more exalted rank in the peerage? or, if a gallant admiral with the characteristic enterprise of his profession, should rush into battle with that animating exclamation, with which Nelson led on the battle of the Nile, "A Peerage or Westminster Abbey," would I be the man to contend for closing against his hopes one part of that glorious alternative? for leaving him, indeed, the monument to cover his remains if he should fall; but for shutting the ranks of the peerage against his living glory?

I hope, and trust, Sir, that no hon. gent. will suppose such to be my feeling. I hope I shall not be so answered, when I declare, that I must give my opposition to the exception, in favour of naval and military peerages, now proposed by my right hon. friend. Far, indeed, am I from wishing to exclude meritorious individuals of these descriptions from the well-earned honours of the peerage. Long may such honours be so bestowed! many be the victories in which they shall be won and worn! But the manner, in which I wish such rewards and distinctions to be conferred, is in the ordinary course of the constitution;—in the spontaneous and unfettered exercise of the royal prerogative;—such as it has been for ages—such as it is now—such as the very exception, proposed by my right hon. friend, proves that it ought to continue—but such, as that exception does not leave or make it. I would accomplish this salutary and necessary object by the very simple process of leaving things as they are, not by first lopping off from the royal prerogative the power of granting peerages generally; and then turning round again for the purpose of piecing it again, and restoring its former state in part, with a view to meet the circumstances of a particular case. It is not—it cannot, be a sound or a just principle of legislation, first to undo, and in the same breath partially to re-establish what we have undone. This in itself is irrational: but this is not all. There are other objections much more conclusive against this exception, than even against the general limitation, as it stood before the change. The necessary effect of this exception would be, not to relieve the prerogative from restraint, but to change its very nature; to strip that part of it, which would be so withdrawn from the limitation, of one half of its value. For in what does the value of this prerogative consist?—Not surely in any duty and positive obligation imposed upon the possessor of it to give or assign a certain stipulated reward for a certain definite service. He is not to adjudicate the specified and rightful earnings of valour or merit. There is a grace and favour in the reward of eminent public service; there is a discretion in selecting them for that reward, which can only be found in the free choice of the sovereign, and in the spontaneous exertion of the royal prerogative. It is in this view that the grant of honours and distinctions is "twice blessed," that,

> "It blesseth him that gives, and him that takes."

that it endears the bestower and receiver to each other; that the stream of nobility springs, as it were, warm from the heart of the sovereign, ere it descends upon the favoured head of a meritorious subject. Strip the prerogative of this grace, this discretionary power, and you do not only restrict its operation, but you destroy its essence. If the law were to direct such honours to be conferred, where would be the grace? Where would the gratitude be due? Where the obligation conferred? Deprived of all appearance of spontaneous bounty, the honour would be claimed as a right, not acknowledged as a favour, and the Regent would be placed in the situation of a bare trustee indeed, but of a trustee without confidence, authorised only to perform in previously specified cases a prescribed and indispensable duty.

Nor is this the only objection. To change discretion into necessity, and grace into obligation would be bad enough. But how full is the prescribed task itself of difficulties in the execution? By the terms of the Resolution it would in effect, be obligatory on the Regent to confer the honours of the peerage upon any person, who may "achieve any signal naval or military services." Such words allow great latitude of construction; and may be productive, under the various interpretations that may be put upon them, of much and serious embarrassment to the government of the Regent. If a signal and decisive victory—such as should decide the fate of a campaign or lead to the conclusion of a peace—such as the victories of Marlborough or prince Eugene, should be gained,—there would unquestionably be no difficulty,—every body would be agreed upon the merits of such a service, and would admit the indubitable claim, arising from it, to the rewards of the peerage. But such decisive actions and such unquestionable results are not to be looked for in the ordinary course of war. On the other hand a signally disastrous defeat might possibly befal a country without any blame being imputable to to the commander—nay even after he might have performed every duty that could be required of him in a most exemplary manner. Still, however, in such a case (I trust a most improbable one) there might be no great embarrassment to the Regent. No one would blame him for not marking even consummate ability, shining through unmerited misfortune with splendid reward. But between these two extremes may probably be found most of those military services, the merits of which would become the subject of discussion, if they chanced to be performed during the interval while the honours of the peerage are exclusively appropriated, and consecrated by act of parliament, to military merit. Numberless cases may exist between the distant limits which I have described,—and who but must foresee in the practice of this exception an endless source of embarrassing discussions, of jealousies and invidious comparisons, no less injurious to the public service, than perplexing and inconvenient to the Regent? Am I putting an imaginary case? The course of the last twelve months has furnished precisely such an instance, as I have ventured to anticipate for the present year. It must be in the recollection of every gentleman present, that the glorious victory (so I must call it) of Talavera did not meet with the unanimous suffrage of this House. If that had been an "achievement" under the Regent's cognizance, to be dealt with according to the provisions of this bill, he would have been accused by the hon. gentlemen opposite of having abused the discretion confided to him, and squandered the honours of the peerage. For I will not put the other supposition, that he could have withholden the peerage from lord Wellington on that occasion.—And who is sanguine enough to hope, that all the "achievements" of the year to come will be of a character more unequivocal, of less disputable glory than the battle of Talavera?

So far, therefore, from correcting the limitation as it originally stood, I contend, that the exception makes it infinitely worse. Whether the Regent should grant or should withhold the honours of which he is made the steward, his conduct would be equally liable to question; nor would it be any trifling practical inconvenience, that the early part of the next session of parliament should be occupied, as it possibly might be, in inquiries how far that officer of parliament may have made a proper use of the portion of the prerogative committed, not to his discretion, but to his responsible charge. Much better would it be to suspend the prerogative altogether, than to vest it in so mutilated a state, and on such perplexing conditions, in the hands of the Regent. Better would it be, that for one year military merit should go without its reward, or that we should at once resolve, as it were, that this year shall be barren of glory, than that the royal prerogative should be exhibited in a state so shackled and degraded—in a state so inadequate to its purposes and so foreign to its nature.

So much, Sir, for the limitation of the limitation proposed by my right hon. friend. But now as to the limitation itself. Is it exclusively in cases of military or naval merit, that it is essential to the best interests of the state, that the person exercising the royal authority should have the unrestricted prerogative of creating peers? Are there not other instances in which the exercise of such a prerogative, unfettered by limitations, is equally necessary to enable a Regent well and beneficially to administer the affairs of the nation? I will suppose, for instance, that the eminent person now holding the Great Seal, might be desirous of retiring from office; and that the Regent might in consequence select for his successor, some one of the ornaments of the bar. Now, under the restriction, which I am now considering, the Regent could not elevate the object of his choice to the peerage. A Lord Keeper might indeed be appointed, and I am aware, that in the eye of the law, the Lord Keeper and the Lord Chancellor are the same: whether Lord Keeper or lord Chancellor he is by virtue of his office prolocutor of the House of Lords. But if he cannot be raised to the peerage, must not great inconvenience at least, perhaps more than inconvenience, be felt in the progress of public business, when he, who presides over the proceedings of the peers, not being a peer himself, can take no share in their debates, but must remain as mute as the mace upon their table?

Other cases may easily be imagined, wherein the operation of this limitation would interfere with the completion of arrangements, either for forming an administration, or for the conduct of affairs in parliament. But I think I have stated enough to justify the opinion, that the prerogative ought to remain unfettered; and that, at all events, it would be more becoming to withhold it altogether, than to grant it under restrictions never before devised or imagined; restrictions by which we should, in effect, reserve to ourselves the power of controuling the exercise of that part of the prerogative, which we confer, and should tell the Prince Regent, that, while we allowed him to administer the functions of royalty in the name and on the behalf of the sovereign, we were determined to constitute ourselves "Viceroys" over him.

As to any argument to be deduced from a supposed abuse of this prerogative, or from the too lavish use of it, either in recent or former times, the fault of that argument is, that it would lead not to a temporary, but to perpetual restriction of it. It would lead to abridging the prerogative in the possession of the crown, not to a mere partial suspension of it in the hands of the Regent. But I agree with my right hon. friend, and with my hon. friend on the other side of the House, (Mr. Lambe) that the imputation of an extravagant use of this prerogative, is at least excessively exaggerated. In very late times, and by the present administration, either whilst I was connected with it or since, certainly there has been a most sparing use of the power of creating peers. But, looking back to former administrations, to which this abuse is imputed, I must say, I very much doubt, whether the House of Lords, numerous as it now is, has been so augmented as to bear a greater proportion than heretofore, to the weight and influence of the Commons, and generally to the increased diffusion of wealth throughout all classes of the community. It is true, that there is recorded in our history one instance, and one only, of a flagrant abuse of this power for political purposes; that in the reign of queen Anne; when the Tory administration, by pouring twelve newly created peers in one day into the House of Lords, established a majority in their own favour. But even this abuse, if it were likely to be imitated, could not now be imitated successfully. It must be admitted, that the addition of twelve peers, when the whole number consisted but of 200, must have borne a considerable proportion to the whole. But now when the House of Lords consists of 360 peers, what would be the addition of twelve, even if in the present times such a stroke were likely to be ventured; and how much greater must the addition be to make such a stroke permanently decisive! And here again the argument goes too far for the object to which it is applied. If there be this danger in the unlimited power of creating peers, the limitation, to be effectual, must be made permanent. But to all such stretches of prerogative the House well knows, that there is a limitation more operative than the provisions of a bill; more efficacious than any system of checks and balances, the controul of public opinion.

The same objections, which I have stated to the general suspension of the prerogative of making peers, apply according to their kind and degree to the next restriction—that upon the grant of patent offices or pensions for life. Much has been said of late years, of the great extent of this patronage and of the expediency of reducing it. I have never, any more than my right hon. friend, allowed the truth of these statements. Investigation has shewn them to be exaggerated: and even if it were possible for me to consent to any change in the system, it certainly should not be to one, that should materially diminish its amount, though it might alter the mode of administering it. But that there must, and ought to exist, in the hands and at the discretion of the crown, means, and ample means too, for the remuneration of public service in the civil and political departments of the state, I am, and have always been, decidedly of opinion. The legitimate use of such means appears to be in the facility which they afford for winning men of ability, who may have no very ample property, into the public service. On this ground I have hitherto supported, and on this ground, I shall continue to support them. On the bench, from which my right hon. friend has spoken, may be found sufficient proof of the utility of such means of remuneration. My right hon. friend (the Chancellor of the Exchequer himself, is a proof of their advantageous application to the public service, brought as he was, at the formation of the government in 1807, from an honourable profession, of which, if he had continued a member, he must unquestionably have risen to the head, to take a share in the administration of the government. The sacrifice of these prospects his Majesty had most graciously intended to compensate by the grant for life of a sinecure office, had not this House interfered by an Address to his Majesty, that he would be graciously pleased to grant it only during pleasure. This vote, if the question shall ever again be brought before parliament, I shall most heartily concur in rescinding, and so giving full effect to the principle, for the justice of which I am contending. Another instance of the proper application of such offices is to be found on the same bench, in the grant of one of the Tellerships of the Exchequer, in the last session, to another right hon. friend of mine (Mr. Yorke.) When I see before me two such instances of the beneficial use of this power of calling great abilities into the public service, I cannot consent that this power should be suspended. Perhaps there are few public men less interested than I am, in any probable arrangement of a new administration. I speak, therefore, with the more freedom upon these subjects. And as to any misuse, which may be apprehended from favour and partiality in the distribution of such offices as may fall vacant, during the continuance of the Regency, I will fairly own, that, if his royal highness should have the power of rewarding the long and disinterested attachment, the steady and tried fidelity, and the great public talents of any individual, who even might not have strictly earned such reward by actual labour in office, I should not grudge such an exercise of the power of the Regent; nor think it more than a reasonable compensation to his royal highness for the cares, the anxieties, and the embarrassments of the situation the duties of which he is called upon to discharge.

One argument for these restrictions, is, that the powers and prerogatives they withhold, might, if confided to the Regent, constitute a bar to the resumption of the royal functions by his Majesty on his happy restoration to health. The supposition, that such an effect could be produced by such a cause, appears to me in the highest degree extravagant and ridiculous. Can any man seriously believe, that all the possible chance of the falling in of offices for life, all the various casualties, which within a year, could occur to create vacancies, (for it must be recollected that they must fall vacant before they can be given away)—or that even all the abuse which could take place in the distribution of peerages during the Regency, could so fortify the government of the Regent, within that period, as to enable him, (if so inclined) to prevent his Majesty's ready resumption of his power in case of his recovery? What tendency even have such causes to produce such an effect? Where is the man who, though neither formidable, nor mischievous, would yet, if elevated to the peerage and made formidable by a pension or a sinecure, be enabled to stand in the breach and to obstruct the King's reoccupation of his throne?

The argument, if argument it may be called, and the apprehension, in which it pretends to be founded, appear to me perfectly senseless. There is moreover a strange inconsistency in the different arguments respecting these powers and prerogatives. When it is proposed to us to withhold them from the Regent; they are represented as wholly unnecessary for the well carrying on of the government. But they are at the same time, it seems, as strong to do mischief as they are weak to do good. They are strong enough to endanger the whole of the executive government, if abused; and by a strange perverseness inefficacious to their legitimate purpose. They are nothing in positive activity, but every thing in prospective prevention—they would not, if properly used, tend to secure a majority in parliament, but, with a little stretch, they might effect a revolution. By what process all that which is so powerless *in esse* can be so formidable *in posse*, is what I am at a loss to conceive.

But here again the zeal of controversy appears to outrun discretion. For if, in fact, the powers to be withholden from the Regent, can by their abuse be productive of such great inconvenience, and yet by their proper exercise be productive of so little good, that the executive government can go on very well without them, this surely would be an argument for abolishing such prerogatives altogether. A power capable of doing much mischief, and but little good, ought not to be preserved.

Fortunately, however, the argument is good for nothing either way. The apprehension of any opposition being made to the return of his Majesty to the exercise of his authority, must be felt, even by those who use it, to be in the highest degree extravagant. If I could believe that there existed a man, so lost to what is due to himself, to his sovereign and to society, as to harbour such an idea, I would not only not consent to give him power without restrictions, but I would not confide to him any power at all. I would not arm with "a pigmy's straw" that man, into whose mind so monstrous a design could even for a single moment find admittance. God forbid that any power should be granted, or any provision made, which could, either by perversion or by accident, obstruct his Majesty's resumption of his functions. I would have nothing to impede, nothing to retard, that resumption beyond the moment, at which it should please a gracious Providence to restore him to the wishes of his people. No effort, no exertion should be necessary on his part. Like the sun, by the mere act of his appearance he should dissolve and dissipate all the clouds and vapours by which his lustre is obscured.

But in exact proportion, as we make anxious provision for the secure resumption of his power by the King, I think we should abstain from unnecessarily restricting the powers of the Regent. These, Sir, are not times in which any man can think it desirable to cripple the energies of the executive government, in whatever hands it may be. But we must recollect, that in the very circumstances of the King's situation—of his desired, and, (thank God!) probable recovery, there is a certain source of weakness to the ephemeral and evanescent government of the Regent, which going to repose in the possession of power, can never be certain that it may not awake and find itself dissolved in the morning.

There are some species of difficulties, Sir, which, when a man has to encounter, he feels his courage rise in proportion to the task, and is animated by the obstacles which oppose him. This is the case where he is backed by all, that should be his natural support: where he brings the full use of all his means and resources to bear upon the contest in which he is engaged. But not so, if he goes into the field with his best faculties shackled, with jealousy instead of encouragement, at his side. The difficulties which we are about to impose by the restrictions are of this latter description; and tend to dishearten and unnerve the executive power at a moment, when surely all its energies are necessary to be employed.

And after all, the only reasons for proposing these restrictions appear to resolve themselves into this, that they were already proposed in 1788. To this I have answered that there are two kinds of imitation; one, that which catches the spirit and the principle, and applies them to similar circumstances; the other, that which takes the dry and dead letter and attempts to adapt it to circumstances wholly dissimilar. My right hon. friend, indeed, has found that the precedent of 1788 did not suit his case, and therefore, has been reduced to the necessity of endeavouring by clipping here and stretching there to make it fit. For myself I have truly said, and am anxious again to repeat, that I can be surpassed by no man in respect and veneration for the great man, who guided the proceedings of 1788. But I am convinced, that I do that precedent more honour, in considering and approving of it, with reference to the circumstances of the period in which it was proposed, than those do, who contend, that the great and fertile and profound mind, that framed it, could, if he had happily survived to the present times, have devised nothing more applicable to the emergency, for which we have to provide.

Sir, as my right hon. friend has expressed a wish that no discussion should take place this night upon the last resolution, it is not my intention to go much at length into the matter, which is the subject of it. The custody of his Majesty's person, I take it to be perfectly clear from every analogy of private life, and from all the feelings of nature, should be given to the Queen. With respect to the household, I must confess, I do not approve of my right hon. friend's proposed arrangement. I should much rather attach a large portion of that establishment permanently to the service of his Majesty, than have the whole of it attached to him for a limited period as proposed in the resolution; then to be revised and retrenched. I say this with as much frankness, as if advising with my right hon. friend, as a member of the government previous to the bringing in of his measure. I should have recommended an attempt now to preserve a proper splendour to surround his Majesty's person during the whole term of his natural life, should his illness unfortunately be commensurate with his life, rather than leave the matter in prospective dependance upon the decision of some future and perhaps less favourable disposed period. I may be wrong or fanciful in point of feeling, but I will own, I am not satisfied with a provision, which has the appearance of fixing a time after which, there is to be no hope entertained of his Majesty's recovery. I do not wish that there should be added to the preamble of the Bill a clause stating, that a period will come and that parliament will have to declare that period, whether it be six or twelve months, when the recovery of his Majesty will be hopeless. Notwithstanding the comments which have been made upon my former statement of my readiness to have concurred in further adjournments, if proposed, I now repeat, that I should be much better satisfied, that the functions of the crown should remain in suspence to the longest period of which the exigencies of the public service could possibly admit, than be thus reduced to the necessity of defining a period at which all hope is to be abandoned. And this appears to me to be the effect of providing a larger scale of household for a limited time, with a recorded admission that it must then be altered;—of accumulating comfort and splendour upon the period of hope with an avowed view of reducing them to a more contracted scale at the æra of despair.

Sir, I would do what is right at once, and once for all: I should not think any thing right but what was ample both for comfort and for splendour; and I would settle the establishment permanently, in order that the portion of patronage, which may be withheld from the Regent, may not be given to any body else. For upon this point I perfectly concur with my hon. friend on the other side (Mr. Lambe,) that it would be highly improper to set up a new political power growing out of that influence, which belongs to the appointment of the household, and which has always hitherto been joined to the executive government. Why should that influence subsist at all during the Regency? The Regent certainly must not have it, and why should her Majesty be burthened with it? Why should not the lords of the bed-chamber and such other attendants, as ought to be attached to his Majesty's person, enjoy their places during life, that is, during the continuance of the King's illness, whatever that may be, independent alike, of the Regent, or of any other political influence whatever? Something of this sort it appears to me might be done, and might spare all the jealousies and heart-burnings, to which disputed patronage and renewed discussions may give rise;—while, more than any other practicable arrangement, it would secure to his Majesty the most faithful and acceptable attendance. This is not the time, however, for going into any detail upon this subject. Generally I will only say, that no views of niggardly economy ought to be permitted to mix themselves with the consideration of how we may best provide for the safe, the tender, and the respectful care of the King. We must not think of saving by his sickness. We must not forget that he is still our King.

We must not consider him as a remnant to be thrown aside: but as a relic to be treasured with pious devotion, to be consecrated with the prayers and the vows of all good men; to be not immured, but inshrined amidst the gratitude and veneration of his subjects.

Sir, I will trouble the Committee no further. The vote, to which we are about to come to-night, is upon the Restrictions to be imposed upon the Regent. I have stated my reasons for thinking these Restrictions inexpedient.—I have stated why I think the limitations introduced to qualify them more exceptionable even than the Restrictions themselves. With these opinions I cannot do otherwise than vote for the Amendment, by which both the one and the other are to be altogether done away.

Mr. *Matthew Montague* rose to say a few words in support of the Resolutions proposed by his right hon. friend the Chancellor of the Exchequer. In his opinion, the arguments of the right hon. gent. who spoke last, applied equally well to the propositions of his lamented friend, (Mr. Pitt,) submitted to the two Houses of Parliament in the year 1788; and yet he had always understood that the right hon. gent. had warmly approved of those propositions. The object of Mr Pitt was to facilitate the resumption of the exercise of the royal functions by his Majesty when he should recover; and if Mr. Pitt for that purpose in 1788 proposed Restrictions upon the Regent, for a longer period of time, why should they now refuse to agree to similar Restrictions for a shorter period? The whole of the speech of the right hon. gent., and that of the hon. gent. on the other side (Mr. Lambe), to whose ability he paid a sincere tribute of applause, went upon the ground, that these Restrictions were to be imposed on the real possessor of the crown, and not upon a trustee. But his right hon. friend, the Chancellor of the Exchequer, had proceeded upon the authority of the great man, who in 1788 took care that the legitimate possessor of the crown should, upon his recovery, be enabled, without difficulty, to resume the royal functions, unincumbered by any thing that could subject him to disadvantage in the exercise of them in future. This he thought the proper course, but he disclaimed all invidious allusion to the person of his royal highness the Prince of Wales. The hon. gent. opposite had animadverted upon the assertion of his right hon. friend, that the throne was full, and had observed, that the royal authority could only be said to be in activity at present to an extent, which he illustrated by a reference to the functions performed by the body in sleep, but that it was extinct as to all the other powers. But he would again ask, whether this argument did not go to consider the Regent, not as a trustee, but as a King? It was necessary to preserve the powers of the King in such a condition, that he might when the sun arose—a figure by which his recovery had been beautifully illustrated—resume their exercise without embarrassment. Many other arguments might be urged in favour of the mode of proceeding adopted by his right hon. friend the Chancellor of the Exchequer, but he would leave it to the House in its wisdom, to give them their due weight, without trespassing any longer upon their patience.

Lord *Castlereagh* stated, that the duty of forming a deliberate opinion on a subject of such importance, as that now under consideration, was one from which no member of parliament could stand excused; and having formed that opinion it became a duty not less imperative, explicitly to submit it, with his reasons to the Committee. In the particular case Parliament was now called on to provide for, he considered that his Majesty's ministers had exercised a sound discretion in founding their measure upon the precedent of 1788. The principle of Restrictions, as applied to the power of a Regent, acting during a temporary incapacity, of the monarch, was consistent with the uniform practice of the constitution; it was founded on the most weighty constitutional reasons, and a departure from that principle, in the present instance, would establish a precedent, which might be productive hereafter of great embarrassment and public danger. The noble lord said, that his reasons for this opinion would best be stated under the two leading heads of objection on which the Restrictions had been opposed; 1st. That they tended to dismember and cripple the regal power at a moment when a strong executive authority was requisite; and 2dly, That they indicated ungracious distrust of the illustrious personage to whom it was proposed to tender the Regency.

With respect to distrust in the Prince of Wales, the noble lord said, he could with perfect truth declare, that such a feeling did not exist in his mind; on the contrary, his conviction was, that were the full regal authority entrusted to his Royal Highness, it would be exercised with the utmost forbearance and moderation on his part. Were he providing, Lord C. said, for an interest of his own, he would not hesitate a moment in acting upon that conviction, but as a representative of the people, he did not feel himself at liberty to act upon principles of personal confidence. He had a public duty to perform, which required him to provide for a constitutional exigency, upon constitutional grounds. Under these impressions he was of opinion, that the security which he was bound to look to was the security of legal enactment, and that in the discharge of a public trust it was impossible for him to recognize any other as adequate.

The noble lord disclaimed any inference being drawn from his vote, that he imputed more dangerous views to the possible advisers of the Prince, he did not believe at the present moment, that any set of men whom his Royal Highness might think fit to honour with his confidence, would, during the short period the limitations were proposed to last, advise an abusive exercise of the prerogatives of the crown. It was not enough, that such should be his feeling with respect to the present moment, unless he could persuade himself that on no future occasion (whatever might be the character of the parties, and the temptation to abuse), Restrictions could be requisite; even in the most transitory case of the interruption of the personal exercise of the royal authority, he could not think it safe to decide this case upon personal grounds; and thereby to establish a precedent which must render every future Regency arrangement, not a question, what powers were necessary to be invested in the Regent, during temporary incapacity of the monarch, but whether there were motives arising out of the character of the individual, who was to be placed at the head of the government, for not confiding to him the entire powers of the King.

The noble lord pressed the extreme danger of throwing upon future ministers and future parliaments a task so alarmingly invidious, as that of being influenced in their decision on such a question by the personal character of the Regent; if such a principle was admitted, under no possible circumstances, could parliament limit a Regent's powers, without a recorded stigma upon his fame and character: how fatal must be such a principle in a free government, more especially when it is considered, that the next heir to the crown is the natural object to be looked to, for the exercise of such a trust. He said, he could well imagine the generous satisfaction the Prince of Wales might feel in being wholly unrestricted, that he might thereby have the grace in the eyes of the nation and of his royal father, when restored to health, of having been the unfettered and faithful guardian of his throne and power. Such feelings were highly laudable, and every man must wish, they could be indulged without hazard, but considering as he did, that the case now to be provided for was precisely that, which of all others upon general principles called for and justified Restrictions, he could not consent to sacrifice the rule to the particular case.

In this part of his argument, the noble lord distinguished between the case of a Regency being created to administer the government through a minority of several years, and during such an indisposition as the King now laboured under, which, if it should follow the course of his three former illnesses, was likely to endure only for a short time, or if it unfortunately assumed a more continued character, must at the end of a limited time be considered as justifying so little hope of recovery, as to constitute at once a state of things, in which all men would agree that limitations should entirely cease to exist.

He next proceeded to argue the objections to the Resolutions, arising from the doctrine, that it was unconstitutional to dismember or cripple by restrictions the regal power, more especially when the third estate was not in a capacity to act; the latter part of the objection was answered by the decision already come to by the House, that it was not only the right, but the duty of the two Houses to provide for the deficiency in the third Estate, in which right must be included, the discretion to do so, in the manner, and according to the circumstances, which the particular exigency shall require.

So far as the principle of Restrictions is to be tried by the conduct of our ancestors, it would be found, that under no circumstances, whether the delegation of authority proceeded from the monarch, as in the case of *custodes regni;* from the legislature, the three branches being entire, as in the minority acts since the Revolution; or from the Lords and Commons alone, when the third Estate, as at present, has been defective, as in the cases of Richard the 2nd and Henry the 6th, have full regal powers ever been granted to a sole Regent. The nature of the Restrictions has been varied at different times and under different circumstances, but always so as to operate some controul; in the minority of Richard the 2nd, the government was in a council of nine appointed by parliament, in which, however, none of the royal family were included, nor was there then any Regent created. In this council resided the ordinary functions of government, but many of the higher powers of state were still retained and exercised by the Lords spiritual and temporal, sometimes upon Petitions, as was usual in those days, from the Commons, but more generally of their own exclusive authority.

In the reign of Henry the 6th, both during the infancy and incapacity of that monarch, the regal power was exercised by a council, not by a Regent, with a council. Neither the duke of Gloucester during the minority of the King, nor the duke of York during his incapacity, were authorised to assume any higher title than that of Protector, and the former was expressly told by the parliament, that that title was assigned him to mark, that he had no other power than as first in council; neither were the whole functions and prerogatives of the monarch invariably exercised by that body; many executive acts, and especially that of creating Peers, were done in parliament in the King's name, and as it is expressed, on the rolls of parliament, by the advice and consent of the Lords spiritual and temporal in that parliament assembled: such was the case in sir John Cornwall's Peerage, and others in that reign.

In more modern times, viz. in the act of queen Anne, the 24th of George 2, and the act of the 5th of his present Majesty, precedents entitled to the more weight as they carry with them the authority of laws passed by the legislature when entire, the most deliberate pains seem to have been taken, that the kingly authority shall not be exercised by an individual without check or controul. In the first case a council was to govern, during the King's absence, without a Regent. In the two latter, during the eventual minority of the infant King, the Regent was to exercise the regal powers, but as expressed on the face of those acts, under the Restrictions and Limitations therein prescribed; which, so far from leaving him the authority of a King, deprived him of the power, even of choosing his own ministers, without the consent of a certain proportion of the council: a council not of his own choosing, but named partly in the Act, and partly to be constituted by the wills of the then reigning sovereigns. It may certainly be shewn, that during the usurpation of Richard the 3rd before he assumed the crown, and also during the usurpation of the powers of government by the duke of Somerset in the minority of Edward the 6th, they both exercised full regal powers, uncontrouled by either parliament or council, but such illegal assumptions of powers can weigh but little, where the unvarying course of more constitutional proceedings has established the practice of not at once raising the authority of a Regent to the standard of the monarch in whose name he governs.

Many objections of great weight may be made to governments so constituted, as those referred to. The importance of having a more energetic and active executive has united all opinions both in 1788 as well as on the present occasion in favour of a sole Regent, if not endowed with all the powers of royalty, at least exercising those entrusted to him, in a manner as entire and unfettered as if he was King. The only prerogatives which it has been attempted to limit, on either of those occasions, and that only for a short space of time, have been the power of creating Peers, and of granting away the patronage of the crown. Where the Regency is to last, as may happen in a case of minority, for many years, or where the recovery of the monarch becomes improbable, the argument against Restrictions acquires great force: indeed in the latter case, as applied to a Prince of Wales, it almost ceases to exist, but surely the case is widely different, where either the minority must be of short duration, or the interruption to the personal exercise of the royal authority, from indisposition, is likely to be of no long continuance. In such a case the inconvenience of such powers being withheld, is to be balanced against the possible evils of their abusive exercise, by which the whole frame of one branch of the legislature, as well as the general patronage of the crown, might be so disturbed and wasted, as to render it difficult if not impossible for the King, when he came to assume his government, to carry it on without, at least, such an increase to the peerage, as it is of the utmost importance to avoid.

The noble lord then argued that where the Restrictions were intended to continue only for a year, the suspension of these powers was not likely materially to weaken the Regent's government; the interval was not such as to deprive him of the benefit resulting from favors and expectation; and sure he was, that his government would be stronger under a temporary restriction imposed by law, than, if having the power, the Regent was to attempt, from a principle of forbearance, to abstain from the exercise of it, a forbearance which might create jealousy and dissatisfaction on the part both of his ministers, and of his supporters.

Upon these grounds he considered himself intitled to contend, that full regal powers should not at once be conferred on the Regent, that the proposed mode of limiting a sole Regent was preferable to the course formerly adopted of parceling out the regal powers amongst many Counsellors, and that the principle of restriction was justified so far as it was confined to the protection of the reversionary interest of the King, in his government, preserving at the same time to the Regent the most enlarged exercise of the powers of the crown, which was consistent with this consideration.

Lord Castlereagh then proceeded to observe upon the 5th Resolution relative to the Household, to which, as copied from the precedent of 1789, he felt strong objections; the separation of the King's Household from the executive government (he meant that part of it, which was alone used by the monarch in public, for purposes of splendour and state) and the transfer of it to the Queen, did not appear to him to fall within the conservative principle he had before contended for, or to rest upon any adequate principle of expediency: he considered the dignity of the monarch best upheld, during his personal incapacity to govern, by the regal authority being administered not only in his name, but in his state also; he thought there was the strongest objection to the Regent having a distinct Household, he deprecated a contest between the splendour of the crown and of the Regent; he wished the Regent to shew himself to the people as deriving every thing from the monarch, to whom all was to revert, the moment his Majesty was restored to health; he objected to the appearance of the Regent being any thing *per se*, it ought to be marked that he was only an individual authorised to represent the King still on the throne. It was open to Parliament to limit the powers, or to withhold from him, if they thought fit, any portion of the King's state, but whatever it was fit the Regent should assume, he thought it ought to be the King's and not his own.

Having pressed this view of the question, he adverted to the plan of a distinct Household for the Regent as objectionable, both on grounds of economy and influence. If the measure was wise and necessary, the expence would form but a subordinate objection; he considered, however, the transfer of such a branch of the influence of the crown to the Queen as highly objectionable in itself, as mixing her Majesty unnecessarily in politics, and as carrying upon the face of it the appearance of a double influence, which, if exercised adversely to the Regent's government, might seriously weaken it, whilst, if thrown in aid of a separate Household of his own, it might prove a most dangerous and unconstitutional increase of the influence of the crown.

When this measure was discussed in the year 1789, it was then contended, (he thought not convincingly) that the great Officers of State could not be separated from those branches of the Household which must necessarily be administered by the Queen, as charged with the care of the royal person; but this difficulty was given up by his right hon. friend, whose Resolution proposed that the intire of the Household should be under her Majesty's controul, only for the year, for which the limitations were to endure; at the end of that period, if his Majesty's indisposition unfortunately should continue, his right hon. friend was prepared to make the separation. What he then desired was, that the separation should be made now: he thought it extremely objectionable to hang up any part of so delicate an arrangement, to embarrass Parliament in a future session; the government of the Regent should be settled before he entered upon his functions, and he ought not to be exposed to the aukwardness, when administering the government, of having measures of a nature so personal to himself; besides it was highly desirable, as a precedent hereafter, that the present Regency Bill should be rendered as perfect as possible, he was therefore anxious that the Bill of 1789 should be altered in this point, as it appeared to him unconstitutionally to assign to her Majesty, powers and duties not necessarily appertaining to the important trust, with which her Majesty was to be charged; but which, in their nature, were calculated to augment her Majesty's anxieties, and to add to her embarrassments. Could he suppose the arrangement, as proposed, would conduce either to the comfort, restoration or true dignity of his Sovereign; no one would more eagerly support it. He had stated his reasons for holding the contrary opinion, and he therefore hoped his right hon. friend (the Chancellor of the Exchequer) would be prepared now to come forward with that arrangement which he agreed, was, after a certain period, inevitable; he was persuaded he would see the importance of doing so, when he adverted to the aukwardness of either leaving the Regent for a year without an adequate Household, or compelling him to form a Household to the exclusion of all his Majesty's present servants, which must be the result, unless the still more inconvenient plan of creating a distinct family of his own, to be disbanded at the end of the year, was adopted.

Without detaining the Committee longer, the noble lord said, he hoped he had sufficiently explained his reasons for supporting the principle of limitations, not as a precaution which he deemed applicable to the present occasion, but as a precedent important to futurity. In preserving the principle, his object was to strengthen as much as possible the government of the Regent, and to relieve it from every counteracting influence, and he felt persuaded, that, during the short interval for which they were intended to attach, the efficacy of the Regent's government was not likely to be impaired by the nature of the restrictions to be imposed on his authority.

Lord *Kensington* said, that on constitutional grounds, he must support the Amendment of the hon. gentleman; thinking as he did, that the proposition of the right hon. the Chancellor of the Exchequer, was the most monstrous that had ever been submitted to a British House of Commons. In one of the Resolutions lately passed by the House, they had declared it to be their bounden duty to maintain the constitutional authority of the King entire. Yet, what did the proposition now submitted by the right hon. gentleman amount to, but to dismember it, and parcel it out? The constitution gave to the King certain prerogatives to support the authority of the crown. The House of Peers had also certain rights and privileges; and to this House there were also committed certain privileges—all of these however, being to be used for the benefit of the people. He now, therefore, put it to the House, whether it was becoming, that at a period when the King had been attacked by one of the greatest calamities which could possibly assail a human being, they should avail themselves of such a moment, to attack the crown? He confessed, he should least have expected such an attempt from the right hon. gentleman opposite. It was dangerous to change the King, but in his opinion, it was infinitely more dangerous to attack the kingly office. The hon. gent. who spoke last but one, had said, that the House were not to provide for any long suspension of the kingly power. In his opinion, however, there was nothing in the Examination of the Physicians to warrant such an assertion; not one of them having named a period at which the recovery of his Majesty might reasonably be calculated upon. But, even if these physicians had specified some period for the recurrence of this event, he could not have placed much reliance upon it; medical predictions being at the best extremely fallacious, and more especially in such a malady as that with which his Majesty was at present unfortunately afflicted. The right hon. the Chancellor of the Exchequer had admitted, that if a speedy recovery did not take place, it would be improper that the restrictions should be continued. Now, in his opinion, they were proper at no time. The noble lord who spoke last had argued on precedents. He, on the contrary, contended that at no time had the kingly office been curtailed. Regents had been appointed with councils, but no limitations had ever been imposed on what pertained to the exercise of the kingly office. He also contended, that there could no instance be shewn where any person but the heir apparent had been appointed Regent, where such heir apparent was of age; and if so, and if there was no instance of a precedent for curtailing the exercise of the kingly office, he asked, why should such a proceeding be adopted here? Was it because his Royal Highness's conduct both towards his father and towards the country had been such as to procure him not only the love and affection of all the people of these kingdoms, but also the admiration of all Europe? Was it because we were now reduced to a state the most distressing and untoward in which the country had ever been placed? With regard to the proceeding in the year 1788, he had always considered it the greatest political error into which Mr. Pitt, whom he considered a great man, had ever fallen; and he earnestly wished, that the whole of the proceedings of these times on this subject were obliterated from the Journals of the House. Gentlemen opposite had argued, as if the Prince of Wales might violate the trust reposed in him—as if he might impair and pollute the Peerage. It must be on that idea alone, that they could now think of depriving his Royal Highness of one of the most important powers of the government. He trusted, however, the vote of this night would prove that the House entertained no such suspicion. They were about to devolve on his Royal Highness an important office in a difficult and dangerous period; and he trusted they would give him the trust together with the means of executing it in the most effectual manner for the public good. He hoped that when the King should return to the discharge of his royal functions, he would see, not that the House had refused to trust his son, but that they had placed in him the exercise for his father of the full powers of the kingly office. It must afford to his Majesty, in the event of his recovery, the highest satisfaction to see that the two Houses of Parliament had not thought so unworthily of his heir apparent as to deprive him of the exercise, in the name of his father, of those powers which he must one day have in his own right.

Mr. *Leach* rose and spoke as follows: The Amendment moved by my hon. friend suggests for discussion two important questions: the right of the two Houses of Parliament to subject the royal authority in the hands of the Regent to limitation and exception; the expediency of doing it if they have the right.

My right hon. friend, who moved the Resolution, pressed upon the Committee the precedent of 1788. The noble lord who spoke last but one (lord Castlereagh,) has told us, that to depart from this precedent would be to embarrass the public interest, and to occasion serious future mischief. It becomes us then to consider what is the authority of precedent. A succession of precedents beginning in remote times form the common law of the land, and the common law of parliament. They prove the law, not simply by the exercise of it, but by the acknowledgment of it, by the submission to it, which is implied in the continued exercise of it. A single precedent, and that in modern times, not having the authority derived from this acknowledgment and submission, is nothing more than the particular opinion of the actors upon a particular occasion.

In courts of justice, where those who declare the law cannot be supposed to have, nor have in truth any other motive than a sense of public duty, a single precedent is entitled to, and receives great respect. It is the honest judgment of one or more eminent and learned persons upon the point declared. It is *prima facie* an authority, but it is not conclusive. It may be questioned and examined: those who question it must shew error in it; must expose some misapprehension of principle, or some mistake in the conclusion; and if error be once shewn, the authority is gone.

A parliamentary precedent cannot stand upon higher grounds. Let us act upon the precedent of 1788, if error be not shewn; if there be no misapprehension of principle, no mistake in the conclusion.

If the two Houses of Parliament, in supplying the defect of the personal exercise of the royal authority, have the right to subject that authority in the hands of the Regent to limitation and exception, the right must be founded either in the statute law of the land, or in the common law of parliament, or in constitutional principles applicable to the special case.

It is admitted that no statute gives the right. The common law of parliament, as I have before observed, is to be found in parliamentary precedents. It may be collected also from ancient text writers, whose works are entitled to authority, as containing not only principles and doctrines derived from parliamentary proceedings of which records exist, but as being a sort of tradition of the effect of former parliamentary proceedings of which there are existing records.

It is admitted that the right now claimed to limit the royal authority is not to be met with in any text writer. There is indeed no text writer who treats of this question. But it is insisted that there is in ancient parliamentary precedents much authority for this right. My right hon. friend, the Chancellor of the Exchequer, and the noble lord to whom I have before alluded (lord Castlereagh) assert that in no instance where the two Houses of Parliament have supplied this defect in the personal exercise of the royal authority, whether arising from infancy or infirmity, have they ever conferred upon the Regent the entire power and prerogatives of the crown. Now with respect to this question, of right in the two Houses to limit the royal authority, there can be no distinction in principle, whether they exercise that right and duty to supply the present defect, which our resolution of a former night has declared, by naming one person or more than one person to fill the office of Regent, whether they name a sole Regent or a council of Regency, or a Regent controlled by a council. I agree that in no instance have the two Houses supplied the defect by giving to a sole Regent the whole royal authority, for in no such instance have they named a sole Regent; in no such instance has there been at the time an heir apparent of full age. But upon the best examination which I have been able to give to all the precedents in our history, I cannot find that in any case in which the two Houses of Parliament have supplied the defect of the personal exercise of the royal authority, whether arising from infancy or infirmity, have they ever proceeded to limit and abridge that authority itself wherever placed.

I believe that the first precedent upon this point is the case of Edward 3. The Committee know that the unfortunate monarch Edward 2, while confined in Kenilworth castle, was compelled by the queen, his wife, and her favourite Mortimer, to summon a parliament. In this parliament he was compelled by the same influence to resign his throne, and his son Edward 3, then 14 years of age, was declared king. Mr. Hume, the historian, tells us that a council of regency was appointed by parliament, consisting of twelve persons, whom he names. He does not tell us from whence he derives his knowledge of this fact. From the rolls of parliament it sufficiently appears that a council was appointed, but I can find no trace of the actual appointment there or elsewhere. I think it reasonably to be inferred, that this council possessed the whole regal power without limitation, because deriving their authority in effect from the queen and Mortimer, whose instruments they were, a limitation of the power of the agents would have been a limitation of the power of the principals; and because the historian mentions no such limitation, and because in the succeeding precedent of the next reign there was no such limitation.

Edward the 3d died on the 1st of June 1377, leaving his grandson and successor Richard 2, eleven years of age. He was crowned at Westminster on the 15th of July in that year, and on the succeeding day an ordinance was made by the House or Council of Peers, as it is there termed, there being no existing parliament, and the minor king being present in person, the effect of which, was that the King and the Peers should chuse twelve persons to form a council of Regency with the Chancellor and Treasurer, in other words, that the Peers should name the council. The letters patent appointing this council are to be found in the seventh volume of Rymer's Fœdera. They are in general, words applying without limitation to the whole regal authority.

A parliament was called in the month of October following, and it appears by the Rolls of Parliament that upon the petion of the Commons, according to the then form of proceeding, the number of the council was changed by the House of Peers; and it was provided that they should be annually elected, but no limitation appears to have been imposed upon their authority.

The next precedents are to be found in the reign of Henry 6. At the death of Henry 5, his father, this prince was only nine months old. His elder uncle, the duke of Bedford, was then in France. His next uncle, the duke of Gloucester, caused the Great Seal of the late king to be put into the hands of the infant monarch, and from thence delivered over and put to a commission authorising the duke of Gloucester to hold a parliament. By this parliament the duke of Bedford, when he should return to England, and the duke of Gloucester in his absence was appointed protector and defender of the realm. The patronage of certain offices civil and ecclesiastical was given to the protector personally. All other patronage was declared to remain in the disposition of the king by the advice of the protector and council assisting in the government, and certain persons were appointed to be the counsellors assisting in the government. The authority of the protector and council in matter of government thus to be exercised in the name of the king was given in these general words, and necessarily extended to the whole regal power.

In the 32d year of the reign of this monarch the nation was in his person visited with the same calamity as now afflicts this country, in the person of our beloved sovereign.

The parliament stood adjourned till the 14th of February, and by the influence of Richard duke of York, and by the advice of the privy council, as it is alledged in the public instruments, the great seal was put to a commission, authorising the duke of York to meet and hold the parliament on the day to which it had been adjourned.

By this parliament, Edward, prince of Wales, then an infant in the cradle, when he should come to years of discretion, and the duke of York in the mean time was named protector and defender of the realm, with a council assisting in the government, according to the precise form of the prior precedent in this reign.

In a few months the king resumed his power, and the duke of Somerset, the avowed enemy of the duke of York, being placed at the head of the administration, the duke of York took to arms, and the first battle of St. Alban's was fought, in which Somerset was slain, and the king made prisoner; and then in the 34th year of the reign the parliament renewed the appointment of the duke of York to be protector and defender of the realm, with a council according to the former precedents, his authority being limited to determine when Edward, prince of Wales, should come to years of discretion.

The only remaining case is that of Edward the 6th. This prince, at the death of his father, Henry the 8th, was 9 years old, and the will of his father had appointed sixteen executors, whom he desired to have entrusted with the whole regal authority until his son should attain the age of eighteen. Parliament sanctioned this will, and the administration proceeded accordingly. Somerset being elected by the council to be chief counsellor under the title of protector, and this is therefore to be considered as another parliamentary precedent of a Regency without limitation, inasmuch as the authority could only be legally derived from the sanction of parliament.

The noble lord has referred to the cases of Custodes Regni, lieutenants of the king, or lords justices appointed to administer the government during the temporary absence of the monarch from the kingdom, and tells us, that in all such instances limited authorities alone are granted. The noble lord must permit me to state that the cases have no application. These are not appointments to supply the defect of the moral capacity of the king, they are not appointments made by the two Houses of Parliament; but they are appointments made by the sovereign of his own authority to provide against inconvenience in the administration of the government, during his temporary absence. The extent of their power depends altogether upon the pleasure of the sovereign, and has been very different at different times, as the nature of the absence and the difficulty or facility of communication with the sovereign made more or less power expedient.

Upon the best consideration, therefore, of the precedents which I have stated, and which I believe to be all in our history, in which the two Houses of Parliament, without an efficient third estate, have supplied the defect of the personal exercise of the regal authority, I presume to say that this right is not found in the common law of parliament, is supported by no authority, and is repelled by all such authority as there is upon the subject; and whatever objection may be made to the times and circumstances, in which particular precedents occurred, yet the general conclusion is, that in no times, nor under any circumstances have the two Houses of Parliament ever assumed the right now claimed.

Let us, however, for the sake of the argument, proceed to consider this question of right as if authority were equally absent on both sides, as if the case of supplying the defect of the personal exercise of the regal authority were wholly new, a case not provided for. I entirely agree with the Chancellor of the Exchequer, that, in the consideration of right individual character is wholly out of the question. I admit, that the question of right must be the same as if the illustrious and excellent person proposed to be Regent, in the place of all those high qualities which entitle him to, and command the admiration and affection of the country, were a person of the very lowest rate of character and talent, to whom it could be supposed that the two Houses, by reason of the pretensions of birth, would be induced to commit the high office of Regent.

I agree that the individual character of the Prince must go for nothing upon the question of right, though it would be far otherwise upon the question of expediency if the right were supposed.

But if the individual character of the proposed Regent is of no weight upon the question of right, of what weight can be the individual character of the sovereign, the defect of whose authority is to be supplied? Can the right of the two Houses to supply this defect depend upon the fact, whether the sovereign is deservedly the most popular or the most unpopular prince that ever filled the throne? Let not our affections and feelings in this respect misguide our better judgments. Not only can the individual character of the sovereign be of no weight upon the question of right, but it could, as I think, be of no weight upon the question of expediency, if the right were admitted. The expediency is to the public interests. Is it expedient for the public interests that the whole regal authority should be placed in the hands of the Regent? Is it essential to good government, to the maintenance of the constitution? Of what importance to these questions can it be, whether the indisposed sovereign is more or less entitled to the love and reverence of his people? If it be asked whether in such afflicting circumstances you would deal in the same manner with a monarch who deserved all the blessings, and with a monarch who called forth all the execrations of his people: Certainly not. Affection and gratitude give grace and honour to national character, as they give estimation and value to individuals. The affection and gratitude of the people, should follow the person of a beloved monarch into the shades of his retirement, should surround his repose with all the dignity that can influence respect. But most unfortunate would be the direction of such feelings if they led us to forget what was due to the power and splendour of the throne itself; and most unnecessarily and unwisely to select such particular form of paying our just tribute to the virtues of our afflicted sovereign, as should endanger the substantial interests of his people.

To return to the consideration of the question of right, as if the case of supplying the defect of the personal authority were new. The King, by reason of infirmity, is incapable of those acts of royal authority which require his personal interference. The constitution has provided no remedy, necessity demands that this defect should be supplied. By whom to be supplied, but by the remaining estates of the kingdom. Of necessity it is the right and duty of the two Houses to supply this defect. What is the particular defect? The political capacity of the King is entire. Personal infirmity cannot touch it. It must at all times pervade in equal force the general administration of government. The natural capacity of the King is entire; there is no demise of the crown; the throne is full. The defect is in the moral capacity of the King; the will to do acts, requiring personal interference. This will is then to be supplied, some representative of the royal will is to be appointed to act for the King, and in his name, in matters requiring his personal interference. This is the extent of the necessity, and that royal will supplied in the person of the Prince as Regent, the defect is cured, and the monarchy entire. The right created only by necessity is limited by necessity, and here ends the right and duty of the two Houses.

But is that all which this Resolution calls upon us to do? No. It requires us to subject this royal will to be represented by the Regent to some limitations and exceptions. He is to act for the King, not in all matters requiring his personal interference, but in some such matters only; and as to these excepted matters there is to be no representation of the royal will; the functions of royalty to that extent are to be suspended: the constitutional monarchy therefore is not to be reanimated, but a mutilated monarchy is to be created, a new monarchy, for the difference makes it new. In considering this question we are not to look at the particular limitations and exceptions: for if there be the right to limit, it can have no bounds but the pleasure of the two Houses. How is this right of innovation, of change, to be brought within the necessity which creates it? It is said that if the exercise of the right be limited by the mere necessity, and is to end with supplying in the Regent the defect of the royal will, much inconvenience may ensue, and therefore the two Houses, upon the principle of public expediency, must have a right to go beyond the necessity in order to avoid the inconvenience.

To what end are dignities and prerogatives given to the crown? As the means of efficient government, as the means of maintaining the constitution, the balance of the three estates. As an abstract question, then, it must be admitted to be most inexpedient and dangerous, to leave it to the two Houses to determine in any case what portion of restraint and controul upon themselves the crown shall possess. But it may be said, we have but a choice of evils, and the least evil is, that the two Houses should possess this power of limitation, though the danger cannot be denied. What is the evil on the other side? It is said if the Regent be intrusted with certain prerogatives of the crown, he may, during this temporary exercise of the royal authority, so abuse his power as to create obstruction to the due exercise of the future government of the King when he resumes the throne. An instance has been put, that he may, during the Regency, create so many peers, that when the King returns to power, he cannot, upon principles of public policy, for some time add to the number, and thus the King's government will be enfeebled by the want of this power of making peers.

The supposed evil therefore is, that when his Majesty is happily restored to the throne, the public interests may suffer by the want of his entire constitutional prerogatives. Now this evil is at least uncertain, for although we all look with sanguine hopes to the recovery of his Majesty, yet it is not morally certain. It is fair in argument to assume the possibility of the abuse of power by the Regent, however little to be apprehended in fact; but it cannot even in argument be assumed that it is certain the Regent will abuse his power.

Now to avoid this uncertain evil, what are we called upon to do? To incur certainty, an evil precisely of the same nature. The evil which the public interests may suffer by the want of the entire constitutional prerogatives of the crown in the hands of the Regent; and we are desired to consider this certain evil as so much preferable to the same evil in uncertainty, that we are to purchase this preference at the price of assuming in the two Houses a power over the regal authority, which in its principle cannot be denied to be of most dangerous and unconstitutional tendency.

In this way of viewing this part of the case, I have given a weight to the argument of the possibility of the abuse of power by the Regent; to which I think it in no degree entitled upon general principles. A Regent may abuse the royal power, a monarch may abuse his power; but has not the constitution given to the two Houses of Parliament, such means of restraint and controul upon the royal authority, as both in theory and practice effectually to guard against such abuse, and is it to be apprehended that these means, which have been found efficient in the case of monarchs, will be too feeble to resist a Regent? That a Regency, a temporary government, will prove more powerful than a monarchy, a permanent government?

Another mode of arguing this question is, that the two Houses having a right to supply the whole royal will, have therefore a right to supply any part of the royal will, for the greater right includes the less. In matter of property a right to dispose of the whole necessarily includes a right to dispose of a part. If the whole is mine, every part is mine; who has a right to say that I shall not give what is mine wholly or in part? But does the defect of the royal will make the royal authority the property of the two Houses? Make the royal prerogatives their property, to be disposed of wholly or in part at their pleasure? What is one main object of these prerogatives? To enable the crown to maintain its independence of the two Houses. Can it then be contended, with any colour of principle, that the right to restore the royal authority includes in it, as in the relation of part to whole, a right to limit the royal authority, a right so to limit it, if the two Houses please, as to make it dependent upon the two Houses, a right so to limit it as to destroy it?

Again, it may be said that if the right of the two Houses is to be so limited by the necessity, that it is to end by supplying in the Regent the defect of the royal will, the two Houses cannot even have the power to provide for the security of the King's person, or for the facility of his return to power. It appears to me that such consequence does not necessarily follow. The objection is to the right of the two Houses to impose limitations upon the royal authority: but provisions which secure the King's person and his return to power, are not necessarily limitations upon the constitutional authority of the crown, but matters merely collateral. I admit that the particular provisions about to be proposed for those objects, are in their nature limitations of the royal authority; and to guard, therefore, against an undue assumption of power, by the two Houses, under colour of such provisions, I am disposed to think, that it might be more sound in principle to say, that even to this extent the two Houses could not of their own authority interfere, nor until they had supplied the third estate. The only argument against it is, that by possibility the Regent may not concur in proper provisions, that the first act of power by the Regent may be a gross violation of his public duty. I confess that the constitutional powers of the two Houses, considering the question generally, and not the particular case, are sufficient to relieve me from this apprehension, but I think this point not very important.

For these several reasons, assuming, for the sake of the argument, but not admitting that this claim of right in the two Houses to inforce limitations upon the Regent is to be considered as if authority were equally absent on both sides, that it is a new case, and a case not provided for, my conclusion is, that the right is as unfounded in principle as it is in precedent. And here I should be warranted in terminating the argument; for if it be clear, as I think it is, that there is no right, then the question of expediency in the particular case cannot arise.

I am willing, however, to consider the question of expediency, not the supposed public expediency, which is used in argument to support the right, and to which I have already attended, but the expediency of using the right in the particular case, if the right existed.

A right to be used as it may be expedient, as times and circumstances may require, stands separated by clear distinction from a positive rule of conduct which is applicable to all times and circumstances. Before the right is used the expediency must be proved.

Is it as a general proposition expedient that wherever the personal exercise of the royal authority is for a time to be placed in other hands, some of its functions and prerogatives should be suspended; that in the hands of a Regent the public should lose the benefit of some means of good government, which in the hands of a King must be intended to be necessary for the public service? In forming our judgment upon this question we may have the benefit of the wisdom of those who have gone before us; of former legislatures, who having had occasion to provide for the temporary exercise of the regal authority, were called upon to consider, whether it was or was not expedient to the public interests to suspend in such case, any of the functions or prerogatives of royalty, upon the ground of possible abuse by the temporary possessor or possessors. These acts of parliament having passed when the third estate was efficient, form no precedent as to the right of the two Houses of Parliament to limit the royal authority, when there is no efficient third estate, and have therefore not been noticed by me in the consideration of the right.

By the statute of the first and second of Philip and Mary, chapter 10, it is provided in case of the death of the queen leaving issue to succeed her, if male, under the age of 18 years, or if female, under the age of 15 years, that Philip should have the education and government of such issue and of the realm, until the issue attained the ages stated.

It could not have escaped this legislature, that by possibility the regency of Philip, by reason of the uncertainty of the age of the issue at the death of the queen, might have been of the shortest duration, but the whole royal authority is conferred without limitation.

By the 6th of Anne, chapter the 7th, commonly called the Succession Act, after reciting that it might happen at the death of the queen, that the next protestant successor might be out of the realm, provides, that in such case the archbishop of Canterbury, and six great officers of state, who are named, together with seven other persons appointed by the successor during the life of the queen, if he should think fit to appoint such, should, until the arrival of the successor, or until he should otherwise determine their authority, execute all powers, authorities, matters, and acts of government, and administration of government, in as full and ample a manner as the successor himself could do if present within the realm; with these exceptions only, that they should not have power to dissolve parliament without the consent of the successor, nor to give the royal assent to any bill for altering or repealing the statute of Charles 2, for securing the established church of England, commonly called the act of uniformity. nor the act made in Scotland in the last session of its last parliament, for securing the Protestant religion and Presbyterian church government in Scotland.

These particular exceptions have no application to the matter of the present limitation; they grew out of the particular circumstances of the times. The proposed regency was of a most temporary nature; it could not endure many months. And yet it was not thought expedient to make a precedent for suspending any general function or prerogative of royalty.

By the 24th George 2, chap. 24, it is provided that if the crown should descend to any of the children of the then late Prince of Wales under the age of eighteen, the princess dowager of Wales should be guardian of the successor, and regent of the kingdom with a council of regency. Certain powers are given to her personally; but with respect to the granting of peerages, pardons for high treason, grants of great offices, treaties for peace and war, and some other important matters, she was to act only by the consent of a certain number of the council. But the whole royal authority is by this act conferred upon the regent and council together, except the power of altering the succession to the crown, and altering or repealing the two acts for securing the established religion of England and Scotland.

By the 5th of the present King, precisely the same provisions are made, and the same powers given to a regent and council, in case of the death of the King during the minority of his successor.

The particular exceptions in these two acts, like those in the succession act, have no application to the matter of the present limitations. The regencies established might have been of the shortest duration, and the acts may not unfairly be considered as declarations of the legislature against the expediency of suspending any general function or prerogative of royalty during a temporary government.

If it be said, that these statutes, except that of Philip and Mary, divide the powers of royalty amongst many, and that a security was thereby provided against the abuse of power, which might make it expedient to give the whole regal authority in such cases, although it may not be expedient with respect to a single person.

I answer that in case of power in the hands of an individual, the public derive protection against its abuse from his honour and character, and responsibility to public opinion; and that all history and experience prove that authority derived from the law, is never so liable to abuse as when by its distribution amongst numbers the force of responsibility is divided. I must consider that these legislatures resorted only to the expedient of numbers, because from the circumstances of these cases there could be no heir apparent competent to the government, no person who being one day to fill the throne, in his own right, might consistently be placed in the temporary possession of it.

My general conclusion upon the head of expediency is, that in no case in the English history, except the precedent of 1788, the error of which I have endeavoured to expose, has it ever been thought expedient to suspend during the temporary possession of power any function or prerogative of royalty. And gentlemen have to ask themselves, whether, having regard to all the circumstances which belong to the times, the Sovereign, and the Regent, it can be expedient for the public interests to make upon this occasion the first precedent of a royalty mutilated and defective in its powers.

The considerations which I have submitted to the Committee have been the result of much labour and some reflection. They may form materials upon which gentlemen may exercise their better judgments. Speaking for myself and from my own conviction, I am bound to say, that it does appear to me that if any function or prerogative of the crown be now suspended, that it will be for the first time in the annals of the country;—that the right of the two Houses of Parliament to make such suspension in the absence of an efficient third estate is supported by no authority, and is repelled by all such authority as the case affords,—that it is wholly inconsistent with the principle of necessity, which is the basis of our proceeding—and that it is attempted to be supported by assumptions false in reasoning and dangerous and unconstitutional in their tendency;—and that the argument of expediency is as unfounded as the claim of right. I feel, therefore, but I desire to express it with all due respect for the opinions of other gentlemen, that if the committee be brought to reject the Amendment proposed, they will act under an awful responsibility to that people, whose interests they will not, I think, protect; and to that constitution the integrity of which they will not, I think, maintain.

Mr. *William Smith* expressed his disinclination to trespass on the attention of the House after the able manner in which the question had been already discussed; but there were one or two points upon which he was anxious to explain himself. Much stress had been placed by several honourable members on the precedent of 1788; at this he was not a little surprised, seeing that the altered situation of affairs had rendered the present so dissimilar to that time. And here he thought it his duty to take that opportunity of retracting the opinions he held at that period, and the assistance he had then given to the carrying of measures which his better judgment had since led him to condemn. That precedent, it was well known, was laid on a struggle for power, into which it was not unlikely an inexperienced member might readily be led. In his opinion on the present question, the House ought certainly to provide for the quiet resumption of power by the King, whenever his Majesty was restored to health. But this was not their primary duty. Their primary duty was to take care that the regal authority should be properly administered for the public good, and if this were the case, which he could not suppose would be denied, then it followed, that the regal authority in the hands of the Regent ought not to be diminished. With regard then to the limitation of the grant of pensions for one year; certainly he could have no objection to this generally, but it was his opinion that the Restriction might as well be applied to a King as to a Regent.

Mr. *Bragge Bathurst* contended, that the assumption of power by the House rested on necessity alone, and therefore as it did not rest on any case analogous in the history or constitution of the country, he did not think it necessary to examine or give attention to the precedents adduced by the hon. and learned gent. near him (Mr. Leach), precedents which were drawn from times entirely different from the present, when the country was in every respect in a state utterly dissimilar. No course was pointed out to them by the constitution, and the case under their consideration neither rested on the common law, or the statute law. Their functions were very different from those exercised by parliament in those times; for now they had not a vacant throne to fill, but were called on to assume the power of supplying a deficiency in the throne. They ought not, therefore, to be asked to shew a right, as the hon. and learned gent. had argued, to give the regal powers with some restriction; but on that side it ought to be shewn, why they were to delegate more than was necessary to supply this deficiency. If parliament had a right to appoint a Regent, it followed of course that they had a right to determine what degree of power they would delegate to him; and still further, they had no right to give more than the necessity of the case required. The precedent of 1788, he contended, was excellent, in so far as it went, and deserved, from its exact similarity to existing circumstances, the greatest consideration from the House. But the hon. and learned gent., by the same process of argument he had used in overturning this precedent, might be equally successful in overturning the precedent of the Revolution. As for the argument, that it was never carried into effect, it did not apply to the Resolution before them; for they were now on the very Resolution, viz. the appointment of a Regent with Restrictions, which, in 1788, had been approved of by both Houses of Parliament. In that part of the case, therefore, the precedent was complete, whatever a right hon. gent. (Mr. Canning) might argue it was in other points. It was not the times, or the difference between 1788 and 1810, it was the principle on which that precedent was founded, that he was of opinion they ought to follow—that principle was, that they thought it to be their duty to the crown not to have it perpetually interrupted by any act in the temporary appointment of a Regent. They were bound to take care that no impediment was left in the power of any one to prevent the return of the King to his regal functions, or to place obstacles in the way of its full exercise after such restoration. This was not a question of personal confidence, but of general principles, and therefore he need not say that they put all consideration of the character of the Prince of Wales entirely out of his view. By making him the Regent, they were placing him in a situation of greater constitutional jealousy, and his advisers were to be considered as answerable for any act done. As for the argument of a right hon. gent. (Mr. Canning), that there could be no danger from an abuse of the power of creating peers, since the number had risen from 200 to 350; he thought that the right hon. gent. had shewn the fallacy of it himself, when he stated an instance in which the decision of the former number was turned by the creation of 12 new peerages. Balanced as they might be now, the same thing might again happen, and have the same effect: and what was worse, it would be beyond the reach of parliamentary remedy. Upon the whole, it should be recollected, that these restrictions would not be encroaching on the prerogative; on the contrary, they would go to secure it entire on its return, and only for that purpose limited the temporary exercise of it. He concluded with a few observations, in which he insisted that the Restrictions would not be invidiously taking away all that was precious from the exercise of regal powers, but that great services would be rewarded by thanks from parliament, and public opinion, though from the circumstances of the times honours might for the moment be withheld. As for the household, he thought the splendour ought to accompany the exercise of the power, and that the expences of two great establishments ought to be avoided.

Mr. *Canning*, in explanation, said, that the first part of the precedent of 1788, for which he contended, had been acted on to the full by both Houses; and they had asserted their right to appoint a Regent; but the mode of applying that measure had not been sanctioned by either; and, he had argued, was not therefore entitled to similar respect. The former was a measure applicable to all times, the latter only in the particular time for which it was framed. Before he sat down he could not help noticing, that every hon. gent. who had spoken on the other side, from his right hon. friend the Chancellor of the Exchequer, to the last right hon. gent. who had just sat down, had begun their speeches with expressing the highest veneration for the principles of the precedent of 1788, and had concluded with recommending some deviation from it.

Mr. *Bathurst* explained, and denied that he had recommended any deviation from the principle.

Mr. *Canning* said, the right hon. gent. had defended himself on a point on which he had not been attacked.

The House then divided upon Mr. Lambe's Amendment, when the numbers were,

For Mr. Lambe's Amendment...200
Against it..................................224
Majority in favour of the first Resolution..................................24

On a division upon the Second Resolution for restricting the Prerogative as to the granting of Peerages, the numbers were,

For the Second Resolution.........226
Against it 210

Majority for the Second Resolution ...16

On a division upon the Third Resolution respecting the Grant of Pensions, &c. The numbers were:

For the Third Resolution.........233
Against it 214

Majority for the Third Resolution...19

The Fourth Resolution, relative to the disposition of the King's private property, was agreed to without a division; and the discussion upon the Fifth Resolution respecting the Household Establishment was postponed till to-morrow.

Adjourned at half past twelve o'clock.

HOUSE OF COMMONS.

Tuesday, January 1, 1811.

[State of the Nation—Resolutions respecting the Regency.] The House having resolved itself into a Committee to take into further consideration the State of the Nation, Mr. Lushington in the chair,

The *Chancellor of the Exchequer* rose. He observed, That after what he had already stated upon the subject in general, but more particularly upon that part of it which now came under the consideration of the House, he should not delay them long. There now remained little more for him to do than to repeat what he had said upon the former occasion, and recommended it to the particular consideration and attention of the Committee. The general substance of the Resolution which he was now to submit, whatever might be the opinion as to its particular points, was of great importance. He felt no hesitation to press upon their minds, on this night, as he did the night before, the consideration of his Majesty's feelings. If after an early recovery, which no man in the House could say might not take place: if after the lapse of six weeks his Majesty was to surmount the dangers of his disorder, and recollecting what had been done in the former instance, should find that he did not meet with the same consideration now, as under similar circumstances he had then experienced, he (the Chancellor of the Exchequer) would ask, what must be his sensations on such a discovery? (Some dissatisfaction expressed on the Opposition side.) He observed, that if there was any impropriety in what he had said, he hoped gentlemen would have the goodness to state it, in order that he might have an opportunity of noticing the objection; but till some reason was advanced, he should feel himself entitled to contend, that if any duty was binding on them after a due attention to the public service, it was the duty of consulting the Monarch under the present distressing circumstances. He would wish to know whether he could be called to order for a sentiment of this description? Or whether he was to be prevented from putting to the feelings of the House what operated so strongly on his own? He would beg the Committee to consider, that the question this night was, whether any, the smallest, pause should be interposed with, he would not say a sanguine, but even with the smallest hope of his Majesty's recovery. The whole question for their consideration this night was, whether there would be any necessity to withdraw from her Majesty any of those powers over the Royal Household, which the Resolution was calculated to grant; whether there was a necessity, during the probably short period of his Majesty's illness, to have his whole Household establishment disarranged, by placing things in a situation different from that which his Majesty had heretofore sanctioned? If the House were of opinion that the power conferred by the Resolution should be extended to the shortest possible period, he would certainly agree that even that was better than to do it away entirely. But he thought that there was no mischief, danger, or inconvenience to be apprehended from acceding to the Resolution in its full extent. He was aware that some gentlemen considered the question of economy involved in the vote of that night, and the proposition of his right hon. friend (Mr. Canning) under the gallery was calculated to give some countenance to the opinion; but did the question of economy bear with any weight upon the subject? There was the Lord Chamberlain, the Lords of the Bed Chamber, the Groom of the Stole, and some few others; and the Prince of Wales would probably not require so many. The whole expence would be covered by 14 or 15,000*l.* so that if gentlemen would consider it fairly, the question of economy was not involved, at least not to any degree, that should make them apprehensive of the consequences. When they considered, in addition to this, that the grant was not required for any length of time, but merely for the space of twelve months, surely there was not a liberal man in the country who would wish for any alteration while a hope remained. But it had been urged, that this establishment, being in the power of the Queen, might be considerably abused. He would admit that it was possible a member of that House might be dismissed for his conduct in parliament by her Majesty, and he would allow it to be a great abuse of the power with which her Majesty was intrusted; but he would put it to their common sense whether they could suspect her of such an attempt, with a power so limited with respect to time. Yet still if gentlemen would be satisfied with dashing out the words "power to remove," he would not object to such a modification. In principle he conceived it to be wrong; the porter at his Majesty's gate was appointed by the Lord Chamberlain; the scullion in his kitchen by the Lord Steward; and others in like manner; yet this should not interfere with a parliamentary regulation. Such being the view he took of the subject, he would leave it with the Committee to decide; but again he would intreat them to consider the mischief they would do if they did not agree to the proposition for a limited time. He allowed that the question of peerages was a much greater constitutional consideration than the present; but the present had a nearer application to his Majesty's personal feelings, and was more calculated to secure his easy return to the functions of his high office, and the resumption of that power with which he was invested by the constitution. The right hon. gent. concluded with moving the Fifth Resolution: viz.

Resolved, "That it is the opinion of this "Committee, that the care of his Majes-"ty's royal person, during the conti-"nuance of his Majesty's illness, should be "committed to the Queen's most excellent "Majesty: and that her Majesty, for a "time to be limited, should have the power "to remove from, and to nominate, and "appoint such persons as she shall think "proper, to the several offices in his Majesty's Household, and to dispose, order, and "manage, all other matters and things relating to the care of his Majesty's royal "person, during the time aforesaid; and "that, for the better enabling her Majesty "to discharge this important trust, it is also "expedient that a Council should be appointed to advise and assist her Majesty "in the several matters aforesaid; and "with power, from time to time, as they "may see cause, to examine, upon oath, "the physicians and others attending "his Majesty's person, touching the state "of his Majesty's health, and all matters "relative thereto."

Earl *Gower* rose for the purpose of moving an Amendment. He considered the expence that would unavoidably attend the two separate establishments as highly unnecessary. The nation, he was persuaded, was willing to give every thing requisite to support the magnificence that should ever attend the exercise of the executive; but surely the increased expence with which it was proposed on the present occasion to burden the nation, was, to say the least of it, unnecessary.—During the time of his Majesty's retirement, he could certainly have no occasion for his present household. However, there was another reason which had been urged against this measure, which weighed on his mind more than the consideration of expence, and that was the danger of forming a party in the country, which might tend to weaken and impede the powers of the government. The Restrictions of last night tended to render the government weaker than it would otherwise be; and the present measure would go to raise up an additional party in the state, to obstruct it still more. He should therefore move an Amendment to the motion brought forward by the Chancellor of the Exchequer. He proposed to omit that part of the Resolution from the words "Queen's most excellent Majesty," and to insert in the room of it, "together with such direction "of his household as may be suitable for "the care of his Majesty's royal person, "and the maintenance of the Royal "dignity."

Mr. *Henry Martin* thought, that the right hon. the Chancellor of the Exchequer had gone quite as far in his address to the feelings of the House, as his own personal feelings could have led him. But he would protest against this mode of making an appeal at any time, to the feelings of parliament, however the personal feelings of any right hon. gent. might be affected. He, for his own part, did not find it necessary to be constantly stating his feelings of attachment and duty to his Sovereign. He hoped rather that his feelings should be judged of by his conduct, as those of every member ought to be. If the House owed a duty to the person of the King, they were not to forget that they also owed a duty to the crown and to the people. He protested against the attempt to separate the King's person from the crown. Consistently with the view he took of the question, he must vote for the Amendment. He objected to the Resolution, as contrary to constitutional principles. To the second Resolution he had agreed, because by that they pledged themselves to supply the existing defect in the exercise of the power of the crown: and that was all that they were called upon to do. The third Resolution went to the preservation of the kingly power, and that was the whole which they were called upon to supply and not to diminish the rights of the crown itself. The household, as well as every other prerogative and privilege of the crown, were given by the people, who entrusted them to the crown for the general benefit. They were bestowed on the King, not for his personal convenience, but to adorn his magistracy. Believing that to be the reason of the King's holding them, he should be glad to know, for what purpose they were called upon to dismember the crown by taking away what had always been annexed to it? Principles—the Chancellor of the Exchequer had none on this subject, for he had stated none. Precedents he had none, for no precedent had he referred to? There was one precedent he could give, but he hardly thought that the right hon. gent. would be ambitious of making use of it. It was the case of the Lords Ordainers, who extorted from the unfortunate Edward II. the appointment of the chief officers of his household. That could scarcely be taken as an authority. The transactions of 1788 could never constitute a precedent; for a precedent must have been complete and acted upon. That transaction was not complete in the House of Commons; and in the House of Lords, the great person whose name had been already mentioned, lord

Thurlow, had admitted a readiness, on his part, to agree to considerable alterations. So far it was clear it was no precedent. The hon. and learned gent. contended, that there having been no precedent, it would be extremely wrong in the House to think of stripping the Regent of those powers which had always belonged to the King; and without which it had uniformly been contended, that the kingly office cannot be maintained. He more particularly objected to the Resolution on this further ground, that the House had already agreed to trust the Prince of Wales as Regent with the power of the sword; but they were now desired to refuse him the nominating of the Household; a circumstance which would be deemed highly derogatory to the character of any private individual. He flattered himself he should always be found as attentive in all his duties to his Sovereign as any other member of that House, and no man could be more averse than he was from diminishing in the smallest degree, the magnificence and splendour, which ought to be attached to him in his royal capacity; but in the present case the House ought only to consider the real personal convenience and comfort of his Majesty. No splendour could be necessary to his present unfortunate situation. He could not therefore agree to grant, in a time of great public pressure like the present, any additional expenditure which might be saved to the country; and seeing nothing to be dreaded in trusting the Regent with the government of the Household, as well as with the government of the Empire, he should certainly vote in favour of the Amendment proposed by the noble lord.

Mr. *Johnstone* said, he could not avoid protesting against the doctrine of the hon. and learned gent. who had just sat down, as applied against his right hon. friend the Chancellor of the Exchequer, for having adverted to the personal feelings of his Majesty in case of his recovery. So far from deserving censure, he was clearly of opinion that his right hon. friend had done himself the greatest honour in shewing his respect and gratitude to a beloved sovereign, who had placed in him the highest and most flattering confidence; and though he could not agree to the Resolution his right hon. friend had proposed, he must do him the justice to say, that he admired him for paying that regard to his Majesty's feelings which he had done.—With respect to the precedent of 1788, he thought that, in the outset, it was a wise and proper measure; but he did not think that the restrictions and limitations were judicious. He conceived that the same arguments which, during the practice of so many years, had fully proved that the powers with which his Majesty was vested were necessary for the safety of the people, would apply equally to the propriety of granting the same authority to the Regent; and those powers could not be withheld, without producing many injurious consequences. In his opinion, if the clause restricting the Regent from making Peers, and the one putting the Household into the hands of the Queen, had been acted on in the year 1788, it would have been attended with the most dangerous effects. The House, at that time, had been hurried on by strong personal feelings, which were most improper upon such an occasion. A spirit of acrimony and recrimination prevailed. An hon. gent. (Mr. Fox) at that time introduced doctrines in the House of Commons, which were certainly unconstitutional; and in the course of the proceedings, much obloquy had been thrown on Mr. Pitt; and he had, perhaps, under these circumstances, introduced that which, had he consulted his more sober judgment, he would not have done. The hon. gent. said he believed, that that part of the measure brought forward in 1788, which respected the royal household, would have been ultimately subjected to limitation—for no person could imagine that so immense a patronage would be left in the hands of the Queen for a series of years. He did not know upon what *data* his right hon. friend had made his calculation; but he would assert, that the patronage was very different in 1788. It was at that time not less than 400,000*l.* per annum; and such a patronage could not be exerted for a number of years without producing the most baneful effects. The feeling and temper with which the business was discussed at the present day, must be contemplated with very great pleasure, particularly when it was considered, that the question was of the description most likely to produce irritation. It was highly honourable to the House to see their debates carried on with such temper and coolness. Nor had any disposition appeared in his right hon. friend, the Chancellor of the Exchequer, to grasp any such power as was aimed at in 1788. He did not wish to go out of his way to pay his right hon. friend a compliment, but he certainly must do him the justice to say, that upon the present occasion, he had conducted himself with great temper and ability. He could not, however, agree to sever from the crown that which had been always attached to it. He should be happy to be informed why the power of creating peerages should be refused to the Regent? The argument which he had heard in favour of that Restriction, amounted to nothing: it went to say, that perhaps the Regent, if invested with that power, would use it so as to injure the royal prerogative on his Majesty's recovery: such an argument was completely illusory, no man of sense could listen to it. And he believed that, if even the two Houses of Parliament were willing to impair the regal authority, the feeling and principle of the English people would be sufficient to defeat the attempt. He conceived all the power of the crown to be necessary for the government of the realm in a period of such difficulty, and he could not give his consent to any abridgment of that authority. It was a pleasing circumstance to behold all parties agreed in one point, that the Prince of Wales should be Regent of the empire: all were unanimous in that idea. He, however, conceived that he should, in that situation, enjoy the full regal authority, without restriction or limitation. His right hon. friend seemed to fear that the Regent would make a very lavish use of those powers: he, however, felt no apprehension on that head. No place in reversion could be granted; and if any situation became vacant, he knew of no person more deserving to reap benefit from the contingency than the right hon. gent. himself. But no evil which even the lavish use of the kingly authority might produce, struck him as being so dangerous as a breach in the constitution. He could not conceive that the Regent would be firmly placed at the head of the government, unless he was completely in possession of the regal powers, which powers the restrictions tended to dismember. He was sorry to differ from his right hon. friend, for whom he entertained the highest esteem—but he felt it his duty to vote for the Amendment.

Mr. *H. Addington* said, that he rose principally for one purpose and for one only, namely to advert in a manner not quite so cold as the hon. gent. who spoke last, to the extraordinary language which the hon. and learned gent. who spoke last but one, had made use of. He could not but express his astonishment, in which he hoped a great majority of the House would concur, that the learned gent. should have had the indecency almost to call his right hon. friend, the Chancellor of the Exchequer, to order, for having made use of his Majesty's name, in the way, and with the view with which it had been done. It had been made use of in the strictest correctness of argument—for what was it adverting to? To the much-desired event of his Majesty's restoration to health; than which a greater national object it was, at this time, in every point of view, impossible to contemplate. What, when we were discussing a subject, in every step we took upon which his Majesty's rights and dearest interests were involved, were we to be told that it was our duty carefully to abstain from even making use of the royal name? If such was really our duty, he defied any member of the House who might be delivering his sentiments, to execute it, whatever might be his efforts. He would tell the hon. and learned gent. that, on parliamentary grounds, he was in a complete error, and would assert, without fear of contradiction, that the whole question might be argued exclusively on the ground of feeling for, and the personal qualities of the Sovereign on the Throne. Where was the man who had a spark of generosity or loyalty in his breast, who would disclaim such feeling? He (Mr. A.) would not rest on that ground, conscious that in the part he was taking he stood on firmer ground—on the spirit of the constitution itself—not to be trampled upon, but to support him. And yet he could by no means wish that the question should be argued quite so drily as the hon. and learned gent. seemed to recommend. He would not do it himself. "*Este mei memores,*" might surely be supposed to be the sentiment even now, from the bed of sickness itself, uppermost in the royal mind, as directed to his Houses of Parliament assembled in deliberation on this distressing and momentous occasion—"*Este mei memores,*" not from sympathy in my affliction—not because I feel that I have any claim on your gratitude and that of the country at large for my unceasing efforts, during a long and eventful reign, to cherish your rights, and to protect your privileges, but because I know that the preservation of my rights is inseparably connected with your present and future welfare—because I am still your King on the throne of my ancestors, with my political capacity entire; and as such, which you all know, an integral part of the British Constitution.—Mr. A. added, that not having quite made up his mind to the immediate question before the House, he was desirous to hear the opinions of the other gentlemen upon it before he decided. He rather thought the Amendment too loose and indefinite, and was inclined at present to think, that on the Resolution now moved, it might be safest to adhere to the precedent of 1788, at least in principle; and, amongst other reasons, for the very powerful one given by the Chancellor of the Exchequer. Perhaps some useful modifications of it might be introduced in the subsequent stages.

Lord *Milton* considered the Resolution now under consideration, by far the most objectionable of all the objectionable Resolutions proposed. The question now was, not whether the prerogative should remain in abeyance, but whether it should be transferred to other hands, wholly distinct from those who exercised the royal functions; not whether certain powers should remain dormant, but whether after the Regent was abridged, those powers should be exercised by a fourth estate of the realm, wholly unknown to the constitution. If influence was to exist at all, it was invariably admitted, that it should be annexed to the crown. Some, and he was amongst the number, were of opinion that such influence could be advantageously diminished; but whilst it was allowed to exist, he would never recognize the propriety of that existence, in any other hands but those of the chief magistrate. The right hon. the Chancellor of the Exchequer grounded the present Resolution upon the propriety of entrusting such powers to the wife of the reigning Monarch. How, he would ask, would that right hon. gent. provide, if her Majesty should happen to die? Would the right hon. gent., acting upon the principle, transfer those powers still farther? Would he, to the injury of the crown, entrust them to some other relative? Or would he be obliged by circumstances to retrace his steps, and consign them to that chief magistracy from which they ought never to be separated. He had heard some gentlemen talk of persons being ready to vote powers to the Regent, which they were unwilling to confide to the King. What those powers were he was wholly ignorant, but this he well knew, that there were persons who were most anxious either to transfer to an unrecognized quarter, powers which were annexed to the crown, or to usurp them themselves, at the very time that they called upon that House to divest the representative of Royalty of many of the rights and dignities connected with that sacred trust. Those persons were the right hon. the Chancellor of the Exchequer and his colleagues. They endeavoured to effect a system which would separate influence from the government, detach the court from the state, and in a great degree dismember the monarchy itself. Not only had they provided to deprive the government of the Regent of all its legitimate influence, but they had endeavoured by the present Resolution to embody an influence under the pretext of its being necessary for the protection of the reigning King, but with the view of being for their own purposes operative against the government of his representative. And this course they had pursued for the purpose of guarding posterity from the evil effects of any improper precedent which might be now established. It was not, said they, to meet any personal consideration, but to take care that the precedent of the present day should not be in future times the source of mischievous consequences, that the Regency has been restricted. Why, then, when the right hon. gent. was taking caution against the government of bad Regents, was he not equally solicitous against the establishment of a precedent which might be serviceable to bad Queens? History was not without instances of ambitious Queens, deaf to all the considerations of honour and duty, establishing their own influence upon the subversion of the interests of their husband and of their family. And therefore he must again repeat, that if the right hon. gent. was sincere in his assertion, that it was for future safety that the proposed course was to be adopted, surely he was bound by every principle of consistency to shew the same solicitude in the case of a Queen invested with such new powers as in that of a Regent abridged of the legitimate influence of that King whom he represented.

Mr. *Stephen* said, he could hardly refrain from offering his admiration of the sentiments expressed by the last speaker but one, and his warm disapprobation of the doctrine of his hon. and learned friend (Mr. Martin.) Never was he more astonished than upon hearing his hon. and learned friend maintain that they should put all considerations of personal respect to the Sovereign out of their minds on this occasion. It would indeed be a most cruel and pedantic interpretation of the orders of the House to think of enforcing them under such circumstances. It was fair, it was right, for his right hon. friend to consider the feelings of his Majesty, and to provide that when the use of his understanding should be restored he should not see strangers around him. Unfortunately they had many proofs, that neither age nor sickness had blunted the edge of that exquisite sensibility of which he was possessed. The people found in the virtues, both public and private, of his Majesty, an antidote to the poison of party feeling. He did not want confidence in the illustrious personage in whose hands it was proposed that the power should be lodged; he had all that respect for him which his rank and virtues demanded, but of him they had not yet had experience; they had not been governed by him fifty years. He was surprised to hear his hon. and learned friend talk of economy. It had been said that the establishment might be rated at 400,000*l.* a-year, but most of this was devoted to tradesmen's bills, and not to any parliamentary influence. Besides it was now only demanded for a year, perhaps not for half a year, perhaps the whole sum required might not amount to 50,000*l.* and would they refuse that to a monarch who had reigned over them fifty years? His hon. and learned friend supposed that the people of England would approve of such a saving, not merely on account of the sum itself, but on account of the popular purpose with which it was withheld. But he would defend the people of England from such an imputation. He was sure they would pay ten times the sum, rather than see their sovereign inconvenienced, he was sure they would say, Curse upon the economy that saved us this, while it left our beloved monarch in a situation so little according with our wishes. He could conceive that there might be cases in which this power, which was called by some gentlemen the fourth estate, might be exerted usefully. However syllogistical the argument of an hon. and learned friend of his who spoke last night (Mr. Leach) had been, he thought it both unsound and illogical. (Hear! hear!) He was aware by those cheers that it appeared to some gentlemen that he had made a blunder in describing the argument as both syllogistical and illogical, but in the form of a syllogism there might be conclusions illogical as well as unsound. The necessity of supplying the royal power was granted, but the question now before the House was, whether it was necessary to supply all the royal functions, or whether it would not be sufficient to supply a part. He did not consider that the precedent of 1788 was at all worse, or intitled to less authority, for its being a modern precedent.

Sir *Samuel Romilly* said, that although he should have been sorry to let such a question as the present pass through the House without offering his opinions upon it, yet he should not have intruded at that moment upon the Committee, if he had not felt that injustice had been done to his hon. and learned friend (Mr. Martin) in the manner in which his expressions had been quoted, and in the observations which had been made on them. There had been nothing stated by his hon. and learned friend, which conveyed any disregard to the feelings of his Majesty. What had been stated, and as he thought very properly stated, was, that the gentlemen on the other side dwelt upon that point of what would probably be his Majesty's private feelings on his recovery more than was proper in that House. It was well known that on common occasions it was irregular and unparliamentary to use the name of his Majesty for the purpose of influencing their proceedings. In this case, although it was impossible to avoid naming his Majesty, yet he conceived it highly irregular to dwell upon his private feelings as an argument to influence the votes of members. He thought, also, that it was very unfair to assume it as a matter of course, that if power was given to the Regent to discharge the officers of the Household, he would immediately proceed to exercise that power by the removal of all those servants whom he found placed about his Majesty. To represent this as the necessary or probable consequence of placing the officers of the Household at the disposition of the Regent, was highly injurious to the character of the Prince. It was unjust to his Majesty to represent him as entertaining suspicions that this would be done.—As to the bare possibility of power being abused, he would ask how that was to be prevented? What security, for example, was there that this power might not be abused in a similar manner in the hands of the Queen? The security was only in the natural feeling of conjugal affection, which made it unlikely that she would run the risk of wounding the feelings of his Majesty by removing the servants to whom he had been accustomed, and appointing strangers in the place of them. Now, if the House considered that there was perfect security for the private feelings of his Majesty in this point, by relying on the conjugal affection of the Queen, he would ask, was there no security in the filial affection of the Prince? (Hear! hear!) It appeared to him, too, that a most irreverent use was made of his Majesty's name by those gentlemen who alledged, that of all the changes which could be made by the Regent, those which might be made in the Household would affect most deeply the private feelings of the King. Was it doing justice to his Majesty's paternal regard for his people to pretend, that no appointments or changes which could be made with respect to military and naval commanders, or to the internal administration of the country, or its relations with foreign states, on which the happiness of the people depends, would affect the feelings of his Majesty so much as the dismissal of some lords of the bedchamber? The gentlemen who maintained that argument seemed to consider, that, whether the war was conducted with wisdom or folly, whether a peace might be made on honourable or disgraceful terms, or whether the people were to be rendered happy or unhappy by the manner in which they were governed, were points which might be committed absolutely to the discretion of the Regent, as they only related to the interests of the nation, but that the deepest attack which could be made on the private feelings of his Majesty would be in removing the lords of the bed-chamber. He was confident, however, that the gentlemen on the other side had as much mistaken the sentiments of his Majesty, as they had been irregular in introducing them into the debate for the purpose of influencing the House. It was absurd to state that the Prince might safely be trusted with all the higher powers of the government, upon which the honour and security of his Majesty's crown as well as of the country depended; but that he was not fit to be trusted with the regulationof the royal Household, or with the appointment or removal of a few lords of the bed-chamber.

Before he proceeded to state his opinion on the particular Resolution submitted to the House, he hoped that he should not be considered much out of order, in making some observations upon the Restrictions in general. This question was so connected with the particular one before the House, that he did not know how to separate them. There were two questions: 1st, As to the right of the two Houses to impose Restrictions on the Regent; and 2dly, As to the expediency of doing it. Upon the first, he said, that he entertained great doubt of the right of the two Houses to impose Restrictions. (Loud cries of hear! hear! principally from the Ministerial benches). He should repeat, that he had great doubts, whether the two Houses possessed any such right; and, it appeared to him, that the Resolutions which they had adopted, were inconsistent with the course that they were pursuing. They first, in their Resolutions, state, that it is the right and duty of the two Houses of Parliament to supply the deficiency in the royal authority; and after so stating that it is their duty to supply it, they proceed by leaving part of it unsupplied, and consequently their duty unperformed. From the necessity of the case the two Houses had a right to supply the royal authority, but he did not think they had a right to substitute any thing else in the place of it. The two Houses had a right to restore what was deficient in the Constitution, but they had no right to alter it without the consent of the third branch of the legislature. They had not a right to make a new Constitution at their pleasure. If the two Houses, for example, should choose to appoint a person merely to give his assent to their bills, leaving at the same time all the other functions of royalty unsupplied, they would be doing a thing which they had no right to do. Their right, and their duty was to supply the deficiency in the monarchy during the illness of the Sovereign; and if they did not supply the entire deficiency, but only what part of it they thought proper, they would be failing to discharge that which in their own Resolution they had declared to be their duty. A right hon. gentleman had said, on the preceding night, that the two Houses had not a right to confer on the Regent more of the royal authority than the exigency of the case required. That right hon. gent. had not, however, explained what part of the royal prerogative was not necessary for the well-being of the government; and, he must say, that in the course of his studies, he had never found out what was unnecessary. If any branches of the prerogative were not necessary, they ought not to exist. A power that was quite unnecessary, ought not to be placed in any hands. Admitting, however, for the sake of argument, that the two Houses had a right to impose Restrictions, surely at such a time as this, it could not be expedient to exercise that right. It was not a just way of considering the question of Restrictions to estimate one branch of the prerogative as standing by itself and disconnected with the others. For the proper exercise of one branch of the prerogative, it was often necessary that the crown should possess the others. The power of creating Peers, for example, might be necessary to enable the crown properly to appoint to offices of very great importance. It had been generally reported, whether truly or not the Chancellor of the Exchequer best knew, that when the office of Chief Justice of the Common Pleas last became vacant, the King had selected a gentleman whose talents, learning, and integrity his Majesty thought qualified him for that office, but the gentleman so selected, refused to accept the office, unless it was accompanied with a peerage; in the particular instance, his Majesty did not think it expedient to purchase at that price the services of the gentleman for the public, but it might have been thought highly advantageous to the country to have conferred the Peerage, and if the person exercising the functions of royalty have not the power to grant it, it is obvious that he may be obliged to appoint a person to discharge the duties of a high judicial office who is in his judgment not the best qualified to discharge them. It may perhaps by some be doubted whether the making judges peers be beneficial to the public, but this was not a time to discuss that question; it was sufficient that of late years it had been very usual, in the Common Pleas in three very late instances the chiefs had been peers, and in the King's Bench it was much more usual than in the Common Pleas, and it conld hardly be doubted, that if a person in a judicial office be one who aspires to a Peerage, it is much better that it should be conferred on him when he enters on his office than be reserved as a reward for the services he may perform. Neither, if there were to be any exception in this restriction, respecting the peerage, could he think that it should be confined to those who might have performed military or naval services. He thought that this would be a most invidious distinction in the peerage, to lay it down that some of the peers were entitled to it from their merit, and that the rest owed their promotion merely to the favour or caprice of the sovereign. The public good ought to be the object in view in all creations of peers; and to confine these honours to those who had performed military or naval exploits was as little conducive to the public benefit, as it was degrading to the peerage, by making invidious distinctions. All that the Houses of Parliament had now to do, was to restore the constitution, and the whole constitution.

He differed very much from the opinion which was expressed by an hon. and learn. gentleman (Mr. Stephen) of the speech of his hon. and learned friend (Mr. Leach): so far from thinking that it could be called illogical and unsound in its conclusions, it appeared to him to be most clear and convincing. It had been completely unanswered hitherto, and he believed it was unanswerable. As to the precedent of 1788, which had been so much relied on, it did not appear to him entitled to all that weight and authority which had been supposed to belong to it. It was not complete: the Bill had passed through one House, but might never have received the concurrence of the other. He had last session brought in a Bill to alter the criminal law, which passed through the House of Commons almost without opposition; nor were any objections made to it in the Lords, until the very last stage. Now, if any accident had prevented the decision of the Lords being taken on this last stage of the Bill, he might just as well have plumed himself in the thought, that the two Houses of Parliament had adopted his ideas, as the right hon. the Chancellor of the Exchequer could now bring forward the unfinished proceedings of the year 1788 as a complete and established parliamentary precedent. In fact this precedent, much as it had been extolled by many gentlemen, had been cited by them only to be departed from.

He was not disposed to attach a greater degree of value to this precedent for what had been said of the high authority of the person from whom it proceeded; he was not a worshipper of the memory of Mr.

Pitt, although, as he was now dead, he did not wish to speak against him. He knew how many persons in that House were connected with him by private friendship, and were almost idolators of his character and talents. To those gentlemen he did not wish to act with incivility, by dispraising him of whom they thought so highly; but he must say that notwithstanding the great talents which he undoubtedly possessed, he never could acknowledge his claim to be considered a great man (loud cries of hear! hear! from both sides). Before he could give him that character, he must see the instances where the great talents he possessed, and the great influence he had so long enjoyed, had been exercised in improving the condition of any part of his Majesty's subjects. Was it possible to read the proceedings of the two Houses in the year 1788, without being convinced, that the object of Mr. Pitt, through the whole course of those proceedings, was merely to retain the power in his own hands as long as he could, and when he could no longer keep it, to give it up to his successors as much curtailed as possible? He had laid hold of an expression, which had fallen inconsiderately from his political antagonist in the course of debate, and which had not been insisted on, and had made it the subject of a Resolution merely that he might gain a triumph to himself. The proceedings in parliament at that day exhibited a struggle, in which scene Mr. Pitt appeared the principal actor, contending for his own power.

At the present time, when all the strength of majesty was necessary, he thought the executive power should not be stripped of its accustomed splendour, or diminished in its power. The question which the gentlemen on the other side seemed to wish to determine, was, with how small a portion of the regal authority the business of government could go on. With respect to the houshold, either the Regent was to be stripped of the splendour which belonged to it, or there are to be two housholds at great additional expence to the public, and the people were to see the Regent begin the exercise of his authority by new burdens imposed on them.

He could not pass over in silence, one observation in the speech of the right hon. the Chancellor of the Exchequer of the preceding night. He had said, that he could not conceive that the Restrictions to be imposed on the Regent could tend to diminish the royal authority' because he apprehended that on all sides would be felt the impropriety of entertaining any proposition which could tend to affect the royal prerogative during the unfortunate suspension of the exercise by his Majesty of his royal functions. He did not know what was the exact meaning of this: but if it meant, that during the existence of the Regency there was, as it were by common consent, to be a suspension of all those measures of Reform which had occupied the public attention, and to which the people looked with anxiety; if it was meant, that all this was to be laid aside, because it might be conceived to affect the royal prerogative, and the people, though they might see their burdens increased, must not hope to see any reform effected, he for one must protest against this doctrine. He should think such a Restriction one of the most fatal that could be imposed on the Regent.

He was averse from making an experiment upon the constitution, by the appointment of a Regent with Restrictions of the powers of the executive government. In times so perilous as these, such an experiment could not be tried without great danger in the person of any Regent, even of one far removed from the hope of ever succeeding to the throne; but in his opinion the experiment was much more dangerous, and likely to be attended with more mischievous effects from the circumstance of the person with whom it was to be tried being the heir apparent of the throne, and who was destined at some time to sway the sceptre of this realm. The question would naturally be asked, why if he could govern the country with such limited powers as Regent, may not he, the very same individual afterwards govern it with the same limited powers as King? Were these times in which it was safe to invite such inquiries, or to try such hazardous experiments? No person could reflect on what he has seen passing in the world, or look forward to that which is to come, without being convinced that the reign of his Majesty's successor will in all probability be marked with very important events. Considering with what dangers he may be surrounded and in what difficulties he may be involved, it is most important for the country that he should ascend the throne with every possible advantage, with all the strength which he can derive from the respect, and veneration, and affection of his people. That he should do this, must be the wish of every person who has the good of his country at heart, even of every one who only regards his own personal interest, of every friend of the Prince, of every friend of the King: it must, above all, be the wish of the King himself.

Nothing certainly can be nearer to his Majesty's heart, than that the glories of his own reign may be far surpassed by those of his successor, and that his son may more than himself be a blessing to his subjects. How then, recollecting this, can it be thought by any one to be advantageous to the Prince, to the King, or to the country, to pursue the course which has been by the ministers recommended to us, and by which, before his Royal Highness shall ascend the throne as Sovereign, his people shall have been accustomed to see him exercising authority over them as a kind of half king, with curtailed prerogatives and diminished splendour, and embarrassed and fettered with Restrictions which will import the strongest distrust of the two Houses of Parliament, and their firm belief that he could not be safely trusted with all the powers of royalty. He confidently hoped that the House would not by this vote give countenance to these most unjust and ungenerous suspicions.

Mr. *Wilberforce* observed, that the sentiments expressed by the hon. and learned gent., and which no doubt had escaped him unintentionally, bore hard upon those who happened to differ in opinion from him. When the learned gent. particularised the difficulties in which the Regent would be placed as heir apparent to the throne, by the operation of the Restrictions, he thought his conclusions, though just ground for reasoning, not warranted; and for himself should say, that he deduced the opposite inference from his premises. Nothing, in his opinion, could more plainly mark the distinction between the throne, and the temporary exercise of the royal functions, than that the person appointed to the office of Regent should be limited in the exercise of those powers and prerogatives which belong to the Sovereign actually filling the throne. He was persuaded, that his hon. and learned friend, when arguing coolly, would not be disposed to maintain, that the limitations proposed on this occasion could, if carried into effect, be any stigma on the illustrious person to be invested with the office of Regent. In agreeing to the Restrictions, he was ready to declare, that he was not actuated by any jealousy or distrust of the Prince of Wales. He thought it of importance, on such an occasion, for the Houses of Parliament to act, not upon the ground of any jealousy to be entertained respecting the royal personage who was now to be appointed Regent, but generally with reference to all persons who might by possibility stand in the same situation. They were always to bear in mind, that though no distrust could apply to the case of the present Prince of Wales, other princes might be hereafter placed in similar circumstances, in whom the same confidence could not safely be reposed. He was ready to admit, and with satisfaction, that the circumstances of the present Regent were such, as to do away all question respecting the effect of the personal distinctions to which he had already adverted. Different opinions must of course be entertained, according to the different views of the subject, taken by gentlemen on each side of the House; but, for his own part, he was persuaded, that what the Committee had to do on this occasion was, to endeavour to ascertain how much of the executive power was necessary to be given to the Regent, in order to enable him to carry on the administration of affairs for a time (Hear! Hear!)—Unless he had let slip some expression of which he was not aware, he was at a loss to find out what ridicule attached to the observation he had just made. He should therefore repeat, that the question for the Committee to decide was, what degree of the royal functions was necessary to be given to the Regent, in order to enable him to carry on the government with efficiency, and what degree of restriction would be expedient to be interposed with a view to prevent any power being conferred which was not actually necessary for carrying on the government, and to remove any obstructions to the resumption of his royal functions on the part of his Majesty, on his happy restoration to health. It was not to be denied that at the present moment the country was in a state of war; but he did not think the power to grant Peerages during a year necessary to enable a Regent to administer the government. With regard to the main question before the Committee, he would own, that on coming down his mind was not made up, and that consequently he was disposed to listen to every thing that might tend to obviate the difficulties on his mind. Not having expected the business to come on so soon, he had not had the advantage of hearing what had fallen from his right hon. friend the Chancellor of the Exchequer. But he thought that on a question of this description, much consideration was due to the personal comfort and satisfaction of his Majesty; and that for this object, it would be desirable, that on his recovery he should not find himself surrounded by persons strangers to him. He trusted, however, that even that would not have any injurious effect, as his Majesty had a truly British heart. The House would not consider the saving of 15,000*l.* as any material consideration. He looked upon it, that the keeping of persons about his Majesty, who would be grateful to him, would be a desirable object. His right hon. friend (Mr. Canning,) had stated last night, that it would be better to give the controul of the Household to the Queen for life, than to fix any limit at which it was to be vested in the Regent. For himself, he thought the happy medium between the two extremes might be adopted. Before he sat down, he could not avoid adverting to what had been said of Mr. Pitt, by his hon. and learned friend; if his hon. and learned friend had had the opportunities of knowing that great man, which he had, he would have been better enabled to do justice to his character. He was no worshipper of Mr. Pitt. He had differed from him—with what pain none but himself could tell; but if he knew any thing of that great man, every other consideration was absorbed in his grand ruling passion, the love of country—with respect to his talents, there could be, and there was, but one opinion throughout the country; and, with respect to his other qualities, he could only adopt the words which those qualities had provoked from the admiration of a formidable but generous rival, 'amicitia est sempiterna, inamicitia est 'brevis.'

Mr. *Adam* rose for the purpose, as he was persuaded he could do, of satisfying his hon. friend and the Committee, that the Amendment ought to be agreed to. He did not think that the character of the late Mr. Pitt ought to influence their opinions respecting the precedent of 1788. This question neither involved a consideration of the character of that great man, nor that of his great antagonist. He was acquainted with that individual, during a great part of his life, and had consequently opportunities of knowing his eminent qualities, at the same time that he had never altered his sentiments respecting his great rival. As to the question under consideration, he could have wished that it had been left to the Regent to shew his regard to his King and father, by abstaining from making any change in his Household. He was therefore a friend to the Amendment. There was a difference in the object of the proceedings last night and this night. The Resolutions of last night went to impose regulations; those of this night restrictions; no difference of opinion existed as to the regulation respecting the personal property of the King. The restriction for a limited time respecting the Household, his noble friend's Amendment proposed to do away, but his noble friend was not, as appeared to him, original in the course he proposed. If he had understood his right hon. friend the Chancellor of the Exchequer, it was his intention that the Regent should not be restricted as in 1789; but that after the lapse of a year, and six weeks after the ensuing session of parliament, if parliament should not reconsider the subject, the restrictions should cease and determine. The Amendment of his noble friend called upon them to do that now, which the restrictions required to be done at a future period. But there were certain offices not essential to the personal comfort of his Majesty, which might be, without any inconvenience, attached to the Regent. The hon. and learned gent. then enumerated the offices of Lord Chamberlain, Steward of the Household, Master of the Horse, Groom of the Stole, and the Officers of the Bed-Chamber; and then submitted whether these were essential to the personal comfort or gratification of the Sovereign: and if they were, might they not be secured as to their attendance upon his Majesty on his recovery by a Bill? But this was a point which he wished to have left to the Regent, in order to give him an opportunity of shewing his respect and attention to his Majesty. He thought the principal part of the Household ought to be given to the Regent, and the personal part to the Queen; and that they should not resort to that incongruous and unconstitutional arrangement which would give the whole to her Majesty. Upon this question there might be some difference in the constitutional ground, though little as to the comfort of his Majesty. But, if his Majesty should happily recover within a year, would he not resume his Household in the same full dominion over it as at present? As to the constitutional question, he was of opinion that, upon transferring the principal part of the household to the Regent, enough would be left to support the dignity of his Majesty. He had heard all the debates of 1789, in which the greatest men that this or any country had ever produced had taken a part, and there was one doctrine which neither then nor now appeared to him to have been touched upon. It had been said, that the Regent would not be responsible. There could be no earthly doubt of it. By the constitution of this government the King was irresponsible, but acted by responsible advisers. The Regent, who stood in the place of the Sovereign, must be equally irresponsible, and be served by advisers, to whom the nation could look as responsible for his measures. But if the control of the household were to be given to the Queen, the consort of the Sovereign, he would wish to know what was to become of that responsibility? He wished to speak of her Majesty with all due respect, but the provisions of a Bill would not make her more responsible than at present. Was it right, then, that a power from which influence was to arise should pass into irresponsible hands? The speech of his hon. and learned friend (Mr. Leach) which arrested the attention of that House, in a more eminent degree than any thing of the kind he had ever witnessed, by the power of its reasoning and the justness of its logic, had clearly proved that the two Houses of Parliament had no right to impose any restrictions upon a Regent, and had never altered the powers of the crown. He contended, therefore, that the royal powers ought to be given entire and complete. It was monstrous to give the powers of making war or peace, and not to give those powers necessary to maintain the dignity of the throne. The powers of the Sovereign were given for the benefit of the people; they were the right of the nation, and the parliament had no authority to alienate them, and consequently could not alienate them, without a violation of the constitution.

Lord *Desart* maintained, that in discussing a great constitutional question, it was very unnecessary to depart from it, for the purpose of depreciating an illustrious character, or attributing motives to him by which he had not been actuated—it might have been done, perhaps, with a view to lessen the weight of that authority by which the measures now proposed appeared to be sanctioned. It had been stated that he loved power, and never rendered an essential service to his country. But it was in the recollection of those who heard him, that the navy, when he came into administration, was far from being in that state of perfection and superiority which rendered it at this day the terror and admiration of the world. Could it be forgotten that his counsels had saved the country, in those awful times when he stemmed the torrent of the French Revolution, and rooted out the lurking seeds of democracy? Inexperienced as he was, and unable to do justice to the exalted qualities of that illustrious character, yet he could not pass over in silence his great financial talents—talents which he possessed in so eminent a degree, that it appeared as if his other merits were forgotten in the contemplation of those. During his life, he believed that nine-tenths of the country approved his measures, and he trusted that in death nine-tenths of that country would rescue his name from the aspersions which were cast upon it.—With regard to the subject before them, he said that he had hoped that the Resolutions which were passed, together with the precedent on which they were founded, would have produced unanimity. He thought that the Bill had given evidence that they were bestowing the strongest sanction on the Regency. The gentlemen on the opposite side had objected to the power of the two branches to establish an act of legislature; they objected to the precedent of 1788, and yet they set up that of the Irish parliament. There was royal authority in one case, and not in the other. The King had approved of the act of his ministers. But did the precedent of 1788 stand on its own merits alone? Did no previous precedent give it weight? Had there ever been, since the foundation of the constitution, an unlimited Regency? It had been objected, that the times were difficult; but he saw less occasion for unlimited power now than in 1788, for at that time the seeds of internal commotion were sown; whereas now all was tranquil in the country, and a sufficient power would be vested in the hands of the Regent by those Resolutions, to enable him to provide for all the necessities of war. The gentlemen who opposed them should recollect that Richard III had been called to the Regency on the principles which they wished to establish. The noble lord contended with deprecating the economy which would put 15 or 20,000*l.* in the balance against the comfort or the dignity of the King.

Mr. *Fuller* said, that the whole matter before the Committee turned upon 15,000*l.* They might give what they pleased, but let them retain the King's Servants about him, that when he returned to his life and feelings, he might find his old companions in attendance upon him, and see that his people had not deserted him (A laugh). Gentlemen might laugh, but he would tell them that they laughed at the wrong side of their mouths. He stood there as a legislator, and would do his duty, and would not yield his consent to a precedent that did not exist. The Prince of Wales had always treated him like a gentleman; but he thought, notwithstanding, that as Regent he should be restricted, and not have the power of enlarging the peerage, for he might create not only six peers in a day, but six times six. He would act the same part he now did, if the Prince of Wales was under the same circumstances, or his darling daughter, and he should respect him for it. As for the 15,000*l.* he looked on it as a song; and he thought the people would pay it themselves sooner than their good old King should be deprived of his comforts.

Mr. *Canning* observed, that the greater portion of the discussion of that night, and especially the latter part of it, had been conducted, as if the Committee had lost sight altogether of the question actually before them. I think therefore, said Mr. Canning, that I may possibly do an acceptable service, if, studiously passing by all the extraneous topics which have been introduced into the debate, I confine myself entirely to the explaining the grounds of the vote, which I mean to give this night, and so recal the attention of the Committee to the real question upon which alone we have on this occasion to decide. During the latter part of the debate not only the question of restrictions in general, but all the various points connected with the whole complicated subject of the Regency have been again discussed, as if the vote of to-night were to decide them all. But in my apprehension the question now under consideration lies within a very narrow compass. It is but a small part even of a small part of the whole subject, and, however it may be decided, it will not only not affect the other Resolutions, but not even decide finally the arrangements, to which it immediately relates. In giving my vote this night, I certainly reserve to myself the right, when the Bill shall be brought in, of considering minutely the details by which the principle of the Resolution shall be carried into effect.

The question, then, immediately before us, is simply this, what degree of power, and whether any political power should be granted to her Majesty, to whom, by the consent of all, the care of his Majesty's sacred person ought to be intrusted? In the settlement of this, as indeed of every other point of the Regency, I think those hon. gentlemen go too far, who recommend extraordinary caution in regard to the present proceedings, on the notion, that they are to constitute a fixed rule to guide all future parliaments, who may be called upon to make provision for a similar emergency. In the present instance I certainly have no hesitation in saying, that the Regency should, and ought to be committed to the Prince of Wales, and the care of his Majesty's sacred person to his Majesty's royal Consort: but I desire to be distinctly understood, that I do not consider myself as giving in this admission an opinion, that, in all future possible cases either the Regency or the custody of the King's person must of necessity be so confided. I utterly deny, that we are, in these particulars, which are matters not of fixed principles, but of expediency and discretion, now settling an immoveable precedent for the future. This I have thought it necessary to say, in order to argue upon the present case with the more freedom.

The Resolution now before the Committee divides itself into three parts: first, that the custody of his Majesty's person shall be given to the Queen; on this point there is in the present instance no doubt or difference of opinion. The second, or rather the third point as it stands in the order of the Resolution, but I take it here to get it out of the way, is, that it is expedient that, for the due administration of this trust, her Majesty should have a Council—on that too, as a general proposition, there appears no difference of opinion. The intermediate proposition between these two, is that which forms the question for the present discussion; namely, whether the trust to be confided to the Queen shall be accompanied with a grant of political power; whether her Majesty shall be enabled to remove not only the officers of his Majesty's household, of less consequence in a political view, though of great importance with regard to his Majesty's comforts, but also persons standing in the situation of great officers of state; whether we may not sufficiently provide for the comfort and dignity of his Majesty, without committing considerable political authority to hands, in which such authority has never before been constitutionally placed.

According to my view of the state of this question, if I were this night to vote for the original Resolution, I should at once decide affirmatively, that the Queen should have the power of removing sixteen great officers sitting in the House of Lords and several others having seats in the House of Commons. The Amendment going, as I understand it, only to the object of taking care that a point of such importance shall not be hastily decided, the effect of adopting it would be, not to negative the grant of any power, but merely to decide that the whole shall not be granted, to allow sufficient time for deliberation as to the precise quantum of political power that ought to be lodged in the hands of the Queen. The Resolution goes at once to the decision of the whole case; the Amendment reserves it for more mature discussion and future decision. Between these two courses, with the doubts, which I confess I entertain upon the subject, I cannot but prefer that, which, pledging the Committee against nothing but the sweeping grant of the whole of the household, will not prevent the giving a due portion of power, even political power to her Majesty, by provisions to be introduced into the Bill, if, upon full consideration, it shall be thought wise or necessary to do so. Having only to choose between two propositions—one deciding the question at once—the other allowing time for consideration—and the question being in its nature and its consequences such, as neither to require nor to admit an instantaneous decision, I am disposed to adopt that alternative which affords further time for deliberation.

With regard to the exalted personage, the object for whom this provision is to be made, it is unnecessary to say, that he claims every attention, not only from his rank, but from being, as he is, so justly and tenderly endeared to the hearts of his subjects. Whatever may be the arrangement to be made for the care of his Majesty's sacred person, I hope I need not disclaim the giving any vote or opinion on the ground of any paltry and pitiful retrenchment. I would not economize upon the sufferings of my King; nor would I agree, that in the state in which he at present lies, he should be stripped of that splendour which must indicate to the world the consideration in which he is still held by his faithful and loving subjects. The royal diadem, however for the moment its lustre may be dimmed, is not to be altogether shorn of its beams. I would not in the infirmities of the man forget the station and character of the monarch. I would shade the chamber of his sickness, not with the curtain of oblivion, but with the veil of the sanctuary (hear, hear, hear). I would place to guard it those, whom, if he should happily recover, he would be glad to find at his door. And that these chosen sentinels should be irremovable by any power whatever is an opinion, which I shall submit to the House, when we come to the consideration of the details of the Bill. I think we should do our duty by taking care that the sovereign shall have those about him whom he himself has chosen, so that, when, upon waking from his trance, he may pronounce some well known name, he may not be to be told "that he whom he calls for is not there." On this principle I should think it better to form an establishment for the sovereign somewhat smaller in extent but not liable to accident or uncertainty, than to continue the household altogether on its present scale for a limited time liable to change hereafter. I would rather take less but have it permanent and unalterable, than have all for a limited time, subject to future retrenchment, and with a power to make any alterations in it, to whomsoever that power might be given.

It has been well observed that we do not legislate upon suspicion. Suspicion of the Prince of Wales is disclaimed by those who support the restrictions. I hope that those, who may hesitate to concur in giving the whole power of the household to the Queen, will be equally free from the charge of entertaining any suspicion as to the mode in which her Majesty would administer that trust. I can truly say, that I am not influenced in my opinions by any feeling of such a nature. The difficulty, which I chiefly feel in giving the power of removal to the Queen is that of entrusting political power in hands, where it had never formerly lodged, and thus creating an anomaly in the practice of the constitution. On the other hand the Regent, for his own sake, if for no more weighty reasons, unquestionably ought not to have the power of removing or appointing the persons who are to surround the sick bed of the King. I see but one mode of obviating both these difficulties, namely that of selecting that portion of the offices, the holders of which are called on more immediately to give their attendance on his Majesty's person, and fixing them immutably by law during the continuance of his Majesty's indisposition.

Perhaps I should still more completely discharge my mind, if I stated some more detailed view of this subject. First, then, my object is, that all those officers whose more peculiar duty it is to wait on his Majesty—such as the lords and grooms of the bed-chamber, the groom of the stole, &c. should be put out of the power both of the Queen and of the Regent—should not be liable to be removed at all during his Majesty's indisposition. The expence of this establishment would be as nothing. State the whole at 16,000*l.*, of which 4,000*l.* comes back in taxes into the coffers of the state, and what is such a sum compared with that degree of comfort, of tenderness, and compassionate and respectful care, which belongs to such an arrangement?

I confess I should have been inclined to have added to the officers I have named the lord steward, had it not been for what has fallen from an honourable and learned member on the other side, (Mr. Adam.) The details of the departments of the household form a very complicated and abstruse science, with which I do not pretend to be very accurately acquainted. I can therefore only state the application of the principle upon which I would act, so far as I have yet had an opportunity of acquiring information. How far the office of lord steward of the household is in the situation stated by the hon. and learned gent.—or whether it may safely be included among those, which I have already mentioned, and made irremovable, I am not at present able to form a determined opinion. At all events there would remain the office of lord chamberlain, an office now vacant; that of the master of the horse; and the two golden sticks—offices of pomp and shew, which are necessary to the office of Regent as having the command of the guards, to form the foundation of the Regent's household splendour. The splendour of the throne, as such, ought in my opinion to accompany the royal dignity and be attached to the person charged with the executive power. I confess I think it is infinitely more desirable, that the Regent should exhibit himself to the country, clothed as far as possible in the insignia of his father's authority, than with any new and separate establishment created for his new situation, and to pass away together with it.

The King's lord chamberlain, the King's master of the horse—perhaps also (but of that I feel less confident) the King's lord steward—officers, as they are, not merely of domestic service, but of state, of pomp, and of political power, ought to be the officers of the Regent—and whoever surround his person ought of course to be under his controul. On the other hand whatever inferior officers, even in the departments of these greater officers of state, are near the person of the King, or employed in his immediate service—and generally all those of whatever rank or station, who are objects of the King's personal choice—in short, who are strictly domestic, not state, and not political officers—ought to be fixed permanently and irremoveably around the King, to watch and wait his recovery. The distribution and detail of such a plan may be difficult and troublesome: but we cannot grudge the trouble; and we should surely be able to remove the difficulty. To obtain time for this purpose I must vote for the Amendment.

But the Resolution is liable to still further objections. I cannot consent to the erecting by a vote of one night an independent political influence, which might by possibility be turned against the executive. I am far from thinking that the executive power is in a state, in which it can admit of being diminished: but if it could afford to lose the political influence, now proposed to be transferred from it; if this portion of the power of the executive is to be in a state of abeyance, then it ought to be in a state of abeyance entirely. What I propose would put the offices in question in a state, in which, politically speaking, they could neither do harm nor good. It would render those officers of the household, whose attendance about the person of his Majesty is necessary, an independent body, not transferring the power of removing them to other hands, but making them not removeable. The right of appointing such officers should not remain in an authority co-ordinate with the Regent. If the influence belonging to such appointments does not go with the executive authority, it ought to be provided at least that it should not go against it. And if this be necessary for the power of the Regent, not less necessary is it for the comfort of the Queen. To give to her Majesty great political power and parliamentary influence, would be to change the very essence of her situation; to incumber her with new cares, solicitudes and anxieties. We are not calling her Majesty to an office of power, but delegating to her a tender, a delicate, a painful duty, which will occupy all her mind, and absorb all her attention. It would be an act of distressing generosity; a most mistaken compliment to her Majesty, to burthen her with the distribution of political patronage; and to mix with the sacred trust devolved upon her in the custody of his Majesty's person, another trust of a totally different nature; and one which, constitutionally speaking, we are bound to consider as liable to abuse, not by her Majesty, but by her advisers.

There is another objection, Sir, which I feel to this Resolution, which I do not know if any other gentleman feels in the same manner. My right hon. friend has said, that the period for which he proposes the present plan is short: that till the expiration of that period, it is better to let things remain as they at present stand: and that it will then be necessary to reconsider and revise the whole plan; to retrench the household establishment of his Majesty, and place that of the Regent on a more enlarged and suitable footing. I cannot but feel, that there is something not alone, not soothing, but revolting in the idea of holding out to the country two stages of proceeding; one as the period of hope, the other as the period of despair. I would much rather look to the question once for all, than again return to it hereafter, with the prospect of regarding his Majesty's disorder then as a permanent and incurable affliction. It is not the lapse of a year, that can induce me to legislate for the indisposition of the King, as if it were his death. While there is life there is hope. The arrangements, which his illness makes necessary, are necessary now; what are unnecessary ought not merely to be delayed; but ought not to be made at all. What ought to be made at all, I thought it had been agreed on all hands, ought rather to be made before the Regency is established, and while we have the power in our own hands, than left to the Regent and his advisers to propose hereafter. And surely of all the points, upon which we ought most carefully to avoid creating a necessity, or affording a plea for the Regent's interference, the royal household is the most prominent. It is that, upon which our duty and our feelings, most peremptorily call upon us to see justice done to the King. It is that, which, if it be not the most unsafe, is the most invidious to be left to the Regent. For all these reasons I disapprove of the original Resolution. The Amendment, as reserving for more deliberate consideration the question as to the exact proportions, in which the household might be allotted to the Regent and to her Majesty, I am bound upon my own principle to prefer. I shall therefore give my vote for that Amendment. The Committee on the Bill will be the proper stage, in which the details of the plan, I have now submitted to the Committee, can be discussed. I shall endeavour by that time to digest the opinions and principles, which I have taken the liberty to state, into a shape, in which I may venture to submit them to the House; unless my right hon. friend, or some other gentleman, shall in the mean time suggest some plan for our adoption, that shall appear to me free from the objections, to which the present Resolution is liable.

The *Chancellor of the Exchequer*, agreeing as he did with his right hon. friend, who had just sat down, that the question under consideration lay within a very narrow compass, should not feel it necessary to detain the Committee long at that hour by going into any detailed discussion of it. Indeed, it was not his intention to have addressed the Committee again that night, if it had not been for the call made upon him, from the opposite side of the House, and the wish he felt to correct what appeared to him a misconception in the arguments of his right hon. friend. He should not conceal the very great anxiety which he felt for the success of this Resolution, because in the event of the Amendment being agreed to, he could clearly anticipate from the effect it might have upon the mind of his Majesty, when he should become convalescent, one of the most serious calamities that could befal the country—a relapse into his present unfortunate disease. This he thought it necessary to state, because it accorded with the conviction of his mind, and while he entertained such an opinion, if he omitted to state it, he should be guilty of a breach of duty both to his sovereign, and to the nation, to which the speedy restoration of his Majesty to health was an object of such great and vital importance. There was but one consideration, that could deter him from more fully expressing his feelings to the House upon this subject, and that was the apprehension, that in so doing he might perhaps be out of order; an hon. gent. having, on a former occasion, charged him for having alluded to the feelings of his Majesty, with having been as nearly out of order as possible, without having been altogether disorderly. But, whilst the attention of the Committee was engaged in considering the case of the King, and in devising the means of providing for his convenience and comfort under his unhappy malady, how was it possible to avoid adverting to what was known to have been the nature of his feelings on these particular points? A reference to those feelings was indispensibly necessary in such a discussion, and it appeared to him, therefore, any thing but disorderly, to reason from them with a view to induce the Committee to make such provisions as would be most likely to prove satisfactory to the King upon his re-establishment. Undoubtedly, if the happy event of his Majesty's recovery should be distant; if his malady should be protracted, the sensations of his Majesty, upon finding that changes had taken place in the domestics employed about his person, would not be either so painful or so acute, as they would be, if, after a speedy recovery, he should perceive, that he was surrounded by new objects; that his old domestics were all removed; and the whole frame and constitution of his household inverted. If that, then, was likely to be the case, he should contend, that it was not disorderly to advert to those feelings in order to induce the House to adopt a course which would guard against the possibility of their being excited.

His right hon. friend (Mr. Canning) had argued the question that night, as if the Resolution was fundamentally objectionable upon constitutional principles: yet if he did not misrecollect his right hon. friend's speech on a former evening, his right hon. friend had panegyrised the proceeding of 1788, upon which this Resolution was founded, as a masterpiece of political wisdom. Now, for himself, he must confess, that, he could not conceive how any change of circumstances or difference of times, whether as to a state of war or a state of peace, could make that, which in 1788 was in principle the essence of political wisdom, in 1811 in principle fundamentally wrong and objectionable. But his right hon. friend could not have been present when he made his statement opening this Resolution to the Committee. If he had been present during that statement, his right hon. friend would have been aware of what his speech shewed him to be unacquainted with, namely the declaration made by him in that opening statement—that, if any considerable number of members should appear to be of opinion that the power of removing the officers of the household should be taken from the Queen, and that by his acceding to the wishes in that point he should conciliate their support to the principle of the Resolution generally, he would be disposed, notwithstanding all the objections he felt to such a modification, to agree, with a view to obtain their support, to take that part of the question again into consideration. Had his right hon. friend heard him make that declaration, he was convinced, that he would be of opinion that it would be much better to support some modification to that effect, than to agree to the Amendment now proposed, which would radically pledge the House to a diminution of the establishment more immediately employed about the King's person. If that pledge were once given, his right hon. friend must be fully aware that the only question, which would then remain to be decided, would be, what proportion of that establishment should be left for the personal comfort and convenience of his Majesty. (Hear, hear, hear! from the Opposition benches.) Was he not correct in this statement? Did it not necessarily follow from the words of the Amendment, that some portion of his Majesty's establishment was to be reduced? So, at least, he understood the Amendment, and so he was persuaded it must be understood by every other man, if it had any meaning at all. The Amendment purported to give to the Queen such portion of his Majesty's Household as may be necessary for the due and suitable care of his royal person, and for the maintenance of his state and dignity. Was it to be collected from an Amendment so worded that the whole of the Household was to be given to the Queen? Certainly not, unless it should be contended that a portion was equivalent to the whole. He should, therefore, submit to his right hon. friend, that he must be as much pledged after agreeing to such an Amendment, to accede to a proposition for reducing the establishment to be given to her Majesty, as he could possibly be bound, by agreeing to the Resolution granting the whole, to resist any modification which might afterwards be proposed. The obligation was equally strong either way; but he must insist, that his right hon. friend would not be irrevocably pledged in either case.

When the Bill should be brought in, if it should be the pleasure of the House to controul or curtail any part of the establishment proposed to be given to her Majesty, it would be perfectly competent to the House to make provision in the Bill for that purpose. He hoped, therefore, that his right hon. friend would be convinced there was as much objection, according to the view he had taken of the matter, in adopting the Amendment, as in agreeing to the Resolution. The course followed in 1788, he submitted, was a proceeding exactly in point, in which the question of peace or war could make no difference. If gentlemen, however, would be satisfied by taking from the Queen the power of removing any of the establishment, he should not oppose an Amendment to that effect. At the same time, he must remind the House, that her Majesty would be put in an aukward situation, if they were to give her only a part of the Household, and to impose upon her a responsibility for servants whom she had not the power to controul or to dismiss.

His noble friend under the gallery too, (lord Castlereagh) objected to any new arrangement which would have the effect, as he termed it, of creating a double establishment. But surely his noble friend must be sensible that the arrangement now to be made, was to be temporary. If it was intended to be permanent, he would agree with his noble friend, that it would be unwise and inexpedient to dismember or divide the royal establishment. All that was meant to be done in the present instance was suggested by the contemplation of the probable early recovery of his Majesty, and with such a desirable event in prospect, he was persuaded that his noble friend would agree with him, that, though circumstances may demand some temporary modification of the Household, it was yet an object of considerable importance, that any alteration, which may be necessary, should be as small as possible. His right hon. friend, however, had stated another objection to this temporary arrangement; he did not like that the subject should be again in next session of parliament brought under the consideration of the House; he did not wish to have two periods fixed for parliament to look to, one a period of hope, the other a period of despair. But was this a fair way of stating the question? In submitting his propositions to the Committee he had expressed a hope that the period would be but short when his Majesty would be enabled to resume his functions of royalty, and with that expectation wished to limit a period within which no alteration in the establishment should take place, being aware that his Majesty's feelings would be different if his recovery should be more remote from what they must be should he recover in a short period, and find that within that period, short as it was, parliament had deranged his whole establishment. He entreated the House therefore to consider what the effect would be—what it might be, one way; and what could be the national inconvenience in the other way. A month or six weeks might restore his Majesty to the wishes of his people, and would not every gentleman then regret that any derangement in his Majesty's establishment had taken place? He again repeated that, if desired by his right hon. friend or the House, the power of removal or dismissal, which may be used for political purposes, might be taken away from her Majesty. There must be some inconvenience under any arrangement, and a certain share of influence and power must exist in any case. He should most solemnly protest against any derangement of his Majesty's Household at the present moment.—He dreaded it as likely to produce the greatest calamity.—He might have formed an erroneous opinion on the subject; he trusted in God, if the Amendment proposed was adopted, it might be found he had done so.

Mr. *Canning* explained. His right hon. friend had endeavoured to answer one of his objections to the Resolution; but he had entirely omitted the notice of others, which weighed even more strongly with him in the decision he had come to.

Mr. *Whitbread* then rose and said:—It was not my intention, Sir, to have taken any share in the debate upon this part of the Resolutions, but to reserve what I had to say till the Report of the Committee should be brought up, and the House should be called upon to pronounce finally upon the propositions of the right hon. gent. But, after the very extraordinary speech of the right hon. gent. (the Chancellor of the Exchequer) who has just sat down in a much fuller House than that, in which, on a former night, he conducted himself in an extraordinary manner, I find it impossible for me to remain silent or refrain from trespassing upon the time and attention of the Committee with a few observations, expressive alike of my indignation and astonishment. That right hon. gent. having broken down all the most important barriers of the constitution; having usurped all the prerogatives of the crown; has now gone a step further, and added to his daring innovations by breaking down all the barriers provided to secure the freedom and independence of debate in this House; he has not hesitated to transgress not alone the rules of discussion in this House, but even those which he laid down for himself, and recommended to the House on opening this subject to parliament. The right hon. gent., indeed, has denied, that his conduct is disorderly, and justified the irregular introduction of the King's name, and the allusion to his Majesty's feelings, upon the ground, that it was impossible otherwise fully to discuss the question under consideration. But I will put it to any member of the Committee, whether upon any other subject, than that immediately before us, such conduct, such allusions, such language would not have been considered highly disorderly? Whether any Chairman of a Committee of this House would not have felt it imperatively his duty to interrupt the irregularity and correct the disorder? Upon a question, such as this, however, it is not easy to draw the precise line of distinction, when a Chairman ought to interfere; and though we are all conscious of the disorder, no man can readily fix upon the particular expressions, which it would be right and proper to have taken down. Can any man entertain a doubt for a moment, that it is inconsistent with the recognised and established rules of debate to appeal against our judgments to our feelings, and to tell us that if we shall vote for an Amendment upon a ministerial Resolution, the effect of that vote will be to throw the royal mind back from a state of convalescent health and mental sanity into a state of deplorable derangement? (Hear, hear!) Is this conduct to be endured? Are we then to be driven from the exercise of our right of free debate by the disorderly introduction of such topics, or the influence of such unconstitutional menaces? And how deplorable a picture does the right hon. gent. draw of the royal person, when he represents him as likely on his recovery to be in future liable, from a knowledge of a vote of this House, to have his mind thrown back into unconsciousness and confusion? If insinuations of this description are fit to be made, and shall produce the effect for which they are obviously intended, will not this circumstance give rise to various and serious considerations in the public mind, from which doubts might very naturally spring as to the period and completion of his Majesty's ultimate recovery? I will ask the right hon. gent., whether, at a time when the royal mind is susceptible of those agitations which so much trouble has been taken to describe; when feelings so sensible and strong, as the House has been told might possibly be awakened on a return to reason, would venture to submit to the King's consideration and judgment any of those more momentous subjects, which might press upon the attention of government? Would he, or could he be expected, under any such circumstances to offer to his royal consideration any of those most interesting questions, which the necessities, nay, the salvation of the empire, might render indispensible, but which the right hon. gent. is already bound, by an implied, if not a direct pledge, not to bring forward? (hear, hear, hear!) It is too much for that right hon. gent., when arguing upon the possibility or probability of the speedy recovery of his Majesty, to assert, that the House of Commons by barely doing its duty would retard his amendment or reproduce the disorder.

Much has been said of the splendour of the throne, and the right hon. gent. has even endeavoured to aid his argument by falsely representing those, who differ from him, as wishing to reduce the splendour of the throne. In looking to the Prince on one side, and on the other to the King, the right hon. gent. appears to have forgotten the throne altogether. He seems not to bestow any consideration whatever upon the office itself, and to have exhausted all his attention in looking to the person who may have to exercise the royal authority. But, I will ask, what attempt has been made to diminish the splendour of the throne? Are not all the great officers, the lord chamberlain, the master of the horse, the lord steward, the groom of the stole to remain? And is not the only question at issue now, whether the appointment and controul of these officers, shall be given to the Prince of Wales or to the Queen? The right hon. gent. says, that he is not actuated on this occasion by any thirst of power, but in proposing this Resolution is solely influenced by his anxiety as to the effect which might be produced on the King's mind by the decision of the House of Commons respecting the arrangement of his Household. But, what difference could there possibly be in the effect on the King's mind, whether the controul and patronage of these offices were left to the Queen or given to the Prince of Wales? None whatever. And then when gentlemen contended that such a difference would take place, did their argument not amount to this, that the aversion of his Majesty to his son the Prince of Wales was such and so great, that, if told that his son had nominated to these offices, the unwelcome tidings would drive reason from her seat, and consign the King's mind again to darkness and delusion?

The right hon. gent. and several of his colleagues have talked much of the ungraciousness of the power, which he holds, and of the thankless nature of the task which his duty compels him to perform—he is not actuated by a lust of power, but by a tender and conscientious solicitude for the preservation of the rights of his infirm master. Regal perturbations, Sir, and golden sorrows have long—long ago been described in finer and more pathetic language, than the right hon. gent. has employed; yet, after all we have heard, I am convinced, that there is still lurking in his mind, as there had lurked in the mind of a predecessor of his in a similar situation, (Mr. Pitt) unconsciously no doubt, that very passion of which he denies the existence. I am glad, however, to observe, that whilst I think him influenced by a love of power, he has not suffered his feelings to be blunted by his ambition: for when his hon. and learned friend behind him (Mr. Stephen) so indiscreetly and unconstitutionally contended, that the establishment of a fourth power in the state would be beneficial to its interests, I saw the right hon. gent. hide his face with his hand (a laugh). This position of the hon. and learned gent. is a strange doctrine to be broached in this House; and yet it is not more strange, nor more hostile to the principles of the constitution, than another doctrine which has been held out by the hon. member for Yorkshire (Mr. Wilberforce) whose mind, on this occasion as on almost every other, seems to waver in doubt, unconscious where it ought to rest. That hon. member has ventured to assert in this House this night, that it is fit and right to cripple the executive government in the hands of the Regent, and that it would be useful to endeavour to ascertain to a mathematical nicety, with how little of its constitutional powers, the Regent could discharge the functions of the executive. (Mr. Wilberforce disclaimed the sentiment.) In substance, if not in words, Sir, I re-assert that the hon. member did throw out such an opinion: and even upon observing the surprise it excited in the gentlemen around him at his having asserted so extraordinary a doctrine, the hon. member reverted to his declaration, and added, that he would not retract a single word he had uttered.

With respect to the right hon. gent. opposite (the Chancellor of the Exchequer) I must confess, he appears to me to be no less anxious, than doubtful as to the issue of the present question. Notwithstanding the last appeal, which the right hon. gent. has dared most unconstitutionally to make to the feelings of the House, he seems to me extremely apprehensive, lest he should be left in one of those minorities in which he has sometimes found himself, and into which his hon. friend (Mr. Wilberforce) notwithstanding all his wavering and indecision has frequently contributed to plunge him, which clearly establishes the weakness of his administration, though he has not made any peers to support it.

The right hon. gent. I admit, has told us, that he is willing to give up that part of his plan, which goes to give to the Queen the power of removal from the offices of the houshold, provided that by such concession he can detain a few more votes for the general principle of this Resolution. But, I will ask that right hon. gent. what would be the situation in which her Majesty would be placed, if his Resolutions should be agreed to with such an understanding upon it? Certainly not a very respectful or satisfactory situation. The right hon. gent. could never have proposed such a course, had he not forgotten what he himself had written within the last few days in the memorable correspondence (his Letter to the Princes) in which he has been engaged. If the Resolution should be agreed to now, it must be communicated to her Majesty by Address, and after acquainting her Majesty by such communication, that the whole controul of the houshold is to be given to her, can it be considered consistent either with propriety, or the respect that is due to the Queen, to introduce provisions into the Bill, when it shall be brought in, for modifying and restricting that power, which we first tell her Majesty she shall have without any limitation whatever? The Resolutions, in my opinion, throughout contain many studied insults to the Prince of Wales, (No! no! no!) But what are we to think of such a proceeding as this with respect to her Majesty? Will it not amount to a deliberate and aggravated insult to her Majesty? Can we possibly hereafter discuss the propriety of restricting those powers which our Address shall apprise the Queen of our intention to grant intire, and upon the assurance of receiving which unmutilated and uncontrouled, her Majesty shall consent to accept the important trust we propose to confide to her, without violating every feeling of delicacy and respect towards her Majesty, without offering to her a gross and studied insult? Will not such conduct, if adopted by us, towards his royal consort, be likely, much more likely to produce that mischievous effect upon the King, with which we have been menaced, than the proceeding, which the right hon. gent. has so strenuously deprecated? I call upon the right hon. gent. to recollect, I desire the Committee to bear in mind, I wish it never to be forgotten, that we have heard this night for the first time of the advantages of creating a fourth estate. The opinion is novel, and has not, it is true, been followed up by any ministerial support; but the doctrine has been broached, and it becomes our duty to see, that, in the arrangements to be made for the disposal of the houshold, no foundation shall be laid for so monstrous an anomaly in the British constitution. It has been said, that the lords of the bedchamber and the other great officers of the houshold may be, and are, independent in a political sense. I do not mean to question the purity of their motives, or the sincerity of their parliamentary conduct; but I am bound to remark that, from whatever cause, it is somewhat strange that persons of this description uniformly vote with any, and every administration. Indeed if they were to act otherwise, it would be an offence punishable by ministerial vengeance. Does not the Committee know that, in the year 1788, that year from which the precedent for the present proceeding is taken, a noble duke was deprived of his commission as colonel of a regiment; that one of the gold sticks was displaced; and that the duke of Queensbury was dismissed from office as a lord of the bedchamber, for having voted on that memorable occasion against the administration of the day? Shall we then consent to separate this political influence, which is the constitutional right of the sovereign, from the person whom we shall appoint to take on him and to exercise the functions of the government? Shall we adopt the suggestion of the learned and hon. gent. (Mr. Stephen) and establish a fourth estate in this realm, lest the King on recovering from his trance should be exposed to the possibility of seeing new faces around him, and different persons in attendance? Why, Sir, if the controul of the houshold shall be given to the Queen, her Majesty will have the power of making this change by the removal of any or all of the officers composing it, and though nothing is farther from my thoughts than to insinuate, that her Majesty will be likely to abuse this power, yet I cannot be persuaded, that the danger of abuse would be greater, in granting the power to the Prince of Wales, than in granting it to the Queen—nor can I even admit that, in the event of the alteration alluded to being produced either by the legitimate exercise or the abuse of that power, the royal mind would be more likely to be materially affected or its faculties destroyed by an act of the son, than by an act of the consort of his Majesty. (Hear! hear! hear!)

A right hon. gent. opposite (Mr. Canning) has disclaimed, on his part, any idea of pitiful retrenchment — all considerations of grudging or niggardly economy in the arrangement, which he has recommended, of the houshold establishment. No man, more than myself, can despise the application of any narrow and penurious principles of economy to objects essential to the true dignity of the Sovereign —to the constitutional state of the monarch—to the suitable and necessary lustre of the throne. But we must on these points, as on every other subject of our deliberations, be guided by some sound and definite principles—we must not, in our desire to provide for the splendour of the crown, forget the burdens or lose sight of the interests of the people—we must, when called upon to supply large establishments, if we have a mind to do our duty either to the King or to the country, take care to convince ourselves in the first instance of the necessity that requires and of the expediency that justifies such establishments. It is the duty of parliament when making provisions for large establishments, to take care that they shall be not only useful but be properly applied, and that no expence, however small it may be, shall be incurred for a purpose, that is not only not necessary, but must be mischievous.

And here, Sir, I cannot omit to take notice of one argument of the right hon. the Chancellor of the Exchequer, adopted by many others on the opposite side, and of the manner in which that argument has been used in these discussions. Every tribute of praise and admiration has been paid to the exalted character and merits of his royal highness the Prince of Wales, by that right hon. gent. and his supporters. They have undoubtedly but done justice to both, in admitting the splendid virtues and the great and eminent qualities of that illustrious personage—in holding up to the respect and veneration of this House and of the country, the high, honourable, constitutional, manly and decorous conduct he has observed during the whole of this difficult and delicate business, which has deservedly entitled him to the admiration and unlimited confidence of the nation, and which has still more clearly illustrated the splendour of that character, which already shone so distinguished and pre-eminent amongst the brightest ornaments of the British name. But, after having thus truly recounted and recognised the transcendent virtues and unblemished and unimpeachable conduct of his Royal Highness, how have they manifested their sense of his exalted merits? How have they proved the sincerity of their praises of those qualities of head and heart, which so long and so conspicuously have assigned to that august Prince a prominent place in the estimation and affection of the public? Why, they no sooner finished their panegyric upon his character, virtues and conduct, than they have turned short round and refused to repose in him that confidence, which even their own representations prove him to be so fully entitled to—they reason thus, that we are not now engaged in providing for a temporary emergency, but in establishing a permanent principle and rule of conduct, which shall be applicable to all similar cases that may hereafter occur; and that, therefore, though every thing in the character of his Royal Highness is calculated to inspire confidence, the restrictions proposed are necessary, not from any suspicion of this Prince, but lest a bad Prince of Wales should hereafter be placed in a similar situation, to whom the parliament and the nation could not confide unrestricted powers with similar confidence. Thus then whilst admitting to their fullest extent the virtues and the claims to confidence of the Prince, they propose to punish him for the supposed vices of some future Prince of Wales—and what is still worse, they are determined to violate the constitution, upon no better grounds than the idle apprehension of imaginary but improbable dangers.

But let us examine how the right hon. gent. has maintained the principle, with which he set out as a preliminary, in the progress of his argument. When opening the matter of these Resolutions to the Committee the right hon. gent. laid it down as a rule to be observed in the discussion of them, that we should dismiss altogether from our contemplation, all consideration of the personal characters of the King and of the Prince of Wales, in any view we might take of the subject. The right hon. gent. has, I admit, observed his own principle so far as relates to the Prince of Wales, for he has undoubtedly dismissed every consideration derived from his virtues and character from the view he has taken of this question—but how has he acted with respect to the other exalted personage whose situation is the foundation of these discussions? On this part of the case the right hon. gent. soon forgot his own precept—soon abandoned the rule which he himself prescribed for our adoption, and instead of abstaining from any personal allusions to his Majesty, has exhausted all his powers of pathos and diction to impress us with a strong sympathy in his Majesty's calamitous situation, by enlarging upon the powerful claims to our commiseration and regard which spring from so direct a reference to his private virtues and personal character. After telling us with such earnestness and solemnity that we are now to legislate for *a* King and not for *the* King, the right hon. gent. has appealed from our sense of public duty to our individual feelings, and endeavoured to bias our independent judgment upon this great national question by bringing home to our consideration the personal sufferings of a Sovereign endeared by his many virtues to the affections of all his faithful subjects. "Consider," says the right hon. gent. "consider the numerous and exalted virtues of the King—consider the blessings of his long and happy reign—consider all the amiable and beneficent features of his personal character, and then say, whether you would think it right to curtail his rights or to bereave him of his accustomed state and splendour?" Splendour! Good God, what a word to be applied to a person in the unfortunate condition to which his Majesty is reduced! Splendour!!! Why the consolation which alone can be effectual for his Majesty's ease of mind is not to be sought in external splendour, but in internal tranquillity, and unruffled composure. Comfort and peace of mind he may find in the piety and resignation with which in the remissions of disease, when the hand of the Almighty ceases to be heavy upon him, he may bear the calamitous visitation with which he has been afflicted; but the splendours of royalty and the parade of state would only serve to render more gloomy by contrast all the horrors of his present lamentable situation.

Every thing, that can contribute to his Majesty's convenience, or tend to afford him personal comfort, it is my opinion ought to be provided. And if I could possibly conceive any good effect likely to result from continuing around him in his bed of sickness all the state and splendour of royalty, I should be the last man to object to such an arrangement. But his melancholy condition does not admit of, nay, actually precludes, all external splendour. Comfort—real comfort on the contrary it is fully capable of. No man can doubt how consolatory it must be to his Majesty, so strongly attached as he is known to be to his old and faithful domestics, on the dawn of revived reason, to look about and find himself surrounded with soothing friends—to encounter on each successive glance faces well known to him in happier moments of mental sanity and health. But I will ask, how has this important part of the comforts of his Majesty's unhappy condition been attended to? Has every thing been hitherto done to consult his personal convenience and feelings, by placing in attendance upon him those only, who are personally acceptable to him, and whose bare presence might have the effect of alleviating the sense of any particular regimen or unavoidable restraint? Upon this subject there are certain rumours afloat, which are not creditable to those, be they who they may, who have taken upon themselves the care of his Majesty's person. The day will I trust come when this matter shall be sifted to the bottom. I asked a question upon this subject on a former night, which was rather evaded than answered. I now repeat the question. I call upon the right hon. gent. opposite to tell me, who has had hitherto the care and custody of his Majesty's person? This question may be now evaded as it has been before, but I trust and hope that the House of Commons will not let the matter rest, until the whole transaction shall be developed and exposed to the public.

The right hon. gent. has said that he was willing to give to the Regent all the splendour, which his office would require. He will give the Regent a Lord Chamberlain, a Master of the horse, &c. but as no splendour or state can at present be necessary for the sick King, why not transfer to the Regent these officers from the royal household? But it is said that the King may recover within six weeks after the passing of the Regency Bill; and if so I can the less see any necessity for a separate establishment. This may be called niggardly economy, but it is not less my decided conviction. The office of Lord Chamberlain has become vacant since the indisposition of his Majesty by the death of lord Dartmouth, a nobleman justly esteemed by his Majesty, and by all who had the happiness of knowing him. Why is not this office to be filled up? Why is not power to be given to the Regent to fill that up, as well as any other vacancies which may possibly occur? Is it fit that the Prince Regent should have only an ephemeral evanescent establishment? How are the officers of his Household to be procured? Is it by the day, the week, or the job? (a laugh) According to the plan of the right hon. gent. these officers of the Prince's Household might lie down in state, and on awaking in the morning, find the King restored and all their oc-

Hume, W. H.
Huntingfield, Lord
Hunt, R.
Huskisson, W.
Hussey, J.
Hutchinson, Hon. C.
Honywood, W.
Jackson, J.
Jekyll, Jos.
Jocelyn, Visc.
Johnstone, G.
Johnstone, Sir L.
Jolliffe, H.
Innes, H.
Kensington, Lord
Lambe, Hon. W.
Lambton, R. J.
Leach, J.
Lefevre, E. S.
Leigh, R. H.
Lemon, Sir W.
Lemon, J.
Lemon, C.
Lester, P. L.
Lethbridge, T. B.
Lloyd, J. M.
Long, R.
Longman, G.
Loveden, E. L.
Macdonald, J.
Maddocks, A.
Macmahon, J.
Martin, H.
Mathew, Hon. M.
Maule, Hon. W.
Maxwell, W.
Mexborough, Earl of
Milbank, Sir R.
Millar, Sir T.
Mills, C.
Mills, W.
Milner, Sir W.
Milton, Visc.
Monckton, Hon. E.
Moore, P.
Mordaunt, Sir C.
Morpeth, Visc.
Morris, E.
Moseley, Sir O.
Mostyn, Sir T.
Neville, Hon. R.
Newport, Sir J.
Noel, G. L.
North, D.
Nugent, Sir G.
O'Callagan, J.
O'Hara, C.
Ord, W.
Ossulston, Lord
Osborne, Lord F.
Palmer, C.
Parnell, H.
Patten, P.
Pierse, H.
Pelham, Hon. G.
Percy, Earl of
Pigott, Sir A.
Pochin, C.
Pole, Sir C.
Pocock, G.
Pollington, Visc.
Ponsonby, Right Hon. G.
Ponsonby, Hon. G.
Porchester, Lord
Porter, G.
Portman, E. B.
Power, R.
Prittie, Hon. F. A.
Pym, F.
Quin, Hon. W.
Robarts, A.
Saville, A.
St. Aubyn, Sir J.
Scudamore, R. P.
Sebright, Sir J.
Seymour, Lord R.
Sharp, R.
Shelly, T.
Sheridan, Rt. Hon. R. B.
Simpson, Hon. J.
Sloane, W.
Smith, G.
Smith, J.
Smith, H.
Smith, S.
Smith, A.
Smith, W.
Somerville, Sir M.
Stanley, Lord
Stanley, J.
Stewart, Jas.
Symonds, T. P.
Talbot, R. W.
Tarleton, Genera.
Taylor, M. A.
Taylor, C. W.
Taylor, Wm.
Temple, Earl of
Templetown, Visc.
Thomson, Thos.
Thornton, H.
Thornton, R.
Tierney, Rt. Hon. G.
Townshend, Lord J.
Tremayne, J. H.
Turton, Sir T.
Vernon, G. G. V.
Walpole, Hon. G.
Ward, Hon. J. W.
Wardle, G. L.
Warrender, Sir G.
Wharton, J.
Whitbread, S.
Wilberforce, W.
Wilkins, W.
Williams, O.
Winnington, Sir T.
Wrottesley, H.
Wynn, C. W. W.
Wynn, Sir W. W.
Yarmouth, Earl of

The following Gentlemen, who have voted against Restrictions, were not present at the above division.

Biddulph, R. M.
Cotes, J.
Everitt, I.
Euston, Earl of
Fitzroy, Lord C.
Grosvenor, General
Greenhill, —
Howard, Hon. J. G.
Knox, Hon. T.
Taylor, E.
Tavistock, Marquis.

List of the Minority, who voted for the Fifth Resolution.

Adams, C.
Addington, J. H.
Allan, Alex.
Arbuthnot, C.
Ashburnham, Hon. G.
Astell, W.
Bagwell, Rt. Hon. W.
Baillie, Geo.
Barne, Snow.
Bathurst, Rt. Hon. C.
Beach, M. H.
Beaumont, T. R.
Beresford, Lord G.
Barnard, Visc.
Bickerton, Sir R.
Bonham, H.
Bootle, E. W.
Bowyer, H.
Boye, D.
Brodrick, Hon. W.
Brooke, Lord
Bankes, W.
Brown, J. H.
Bruce, J.
Bruce, Lord
Buller, Sir E.
Buller, James
Burrell, Sir C.
Burton, Francis
Burghersh, Lord
Calvert, John
Carew, R. P.
Chaplin, C.
Chaplin, C. J.
Chute, W.
Clephane, D.
Clinton, H.
Clinton, W. H.
Clive, Visc.
Clive, H.
Clonmell, Earl of
Cochrane, Hon. G.
Colquhoun, Ar.
Cowper, Hon. C. A.
Cotterell, Sir J.
Crickett, R. A.
Cripps, Jos.
Croker, J. W.
Curtis, Sir W.
Curzon, Hon. R.
Davis, R. H.
Denison, John
Desart, Earl of
Disbrowe, E.
Drake, J. T.
Drake, J.
Duckett, Geo.
De Ponthieu, J.
Drummond, H.
Dundas, Rt. Hon. W.
Dundas, Rt. Hon. R.
Egerton, John
Elliot, Hon. W.
Ellis, W.
Estcourt, T. G.
Eyre, A. H.
Fane, John
Farren, W. M.
Farquhar, Jas.
Fellowes, W. H.
Ferguson, Jas.
Finch, Hon. E.
Fitzharris, Visc.
Fitzhugh, W.
Foster, Rt. Hon. J.
Foster, Hon. J.
Foster, J. L.
Fuller, John
Fynes, H.
Gibbs, Sir V.
Gipps, Geo.
Gordon, Jas.
Goulbourn, H.
Graham, Sir J.
Grant, C.
Grant, F. W.
Grant, Rt. Hon. J.
Guernsey, Lord
Hall, Benj.
Harnett, J.
Harbord, Hon. E.
Harvey, E.
Herbert, C.
Herbert, H. A.
Hinchinbrook, Visc.
Holland, Sir N.
Holmes, L.
Hope, Hon. A.
Hope, Hon. C.
Houston, A.
Hume, Sir A.
Houbloun, T. A.
Jacob, W.
Jenkinson, C.
Jenkinson, Hon. C.
Joddrell, Hon. H.

Jones, G.
Irving, J.
Kenrick, W.
Kingstone, J.
Kynaston, Powel
Lascelles, Hon. E.
Lascelles, Hon. H.
Leigh, J. W.
Leycester, Hugh
Lloyd, H.
Lockhart, J. J.
Lockhart, W. E.
Loft, J. H.
Loftus, W.
Long, Rt. Hon. C.
Longfield, M.
Lovaine, Lord
Lowther, J.
Lowther, Jas.
Lowther, Visc.
Lygon, Hon. W.
Lowndes, R.
Macleod, R. B.
Magens, M. D.
Maitland, E. F.
Maitland, John
Manners, Robt.
Marryatt, Jas.
Mellish, W.
Montagu, M.
Montgomery, Sir H.
Moore, C.
Muncaster, Lord
Murray, Sir P.
Myers, J.
Needham, Hon. F.
Nepean, Sir E.
Newark, Visct.
Nicholl, Sir J.
Norton, Hon. J. C.
Ord, Sir John
Paget, Hon. B.
Palmerston, Visc.
Pattison, John
Peel, Robt.
Perceval, Rt. Hon. S.
Percy, Hon. J.
Phipps, Hon. E.
Palmer, Sir J.
Perring, Sir J.
Pole, Hon. W. W.
Porcher, J. D.
Prendergast, M.
Price, Sir C.
Pulteney, Sir J.
Ramsbottom, R.
Robinson, Hon. F.
Rose, Rt. Hon. G.
Rose, G. H.
Rutherford, J.
Ryder, Rt. Hon. R.
Scott, C.
Scott, Sir W.
Shaw, Sir J.
Sheldon, R.
Simeon, J.
Simson, G.
Sinclair, Rt. Hon. Sir J.
Singleton, M.
Smith, Jos.
Somerset, Lord A.
Stanhope, W. S.
Staniforth, J.
Stephen, Jas.
Stewart, R. T.
Sterling, Sir W.
Strahan, A.
Strutt, J. H.
Stuart, J. W.
Sutton, C. M.
Swan, H.
Thellusson, G. W.
Thompson, Sir T. B.
Thornton, S.
Thynne, Ld. J.
Townshend, Hon. W.
Turner, J. F.
Vanderhyden, D.
Vansittart, N.
Vyse, R. W.
Wallace, J.
Walpole, Lord
Ward, R.
Wedderburn, Sir A.
Welby, W.
Wemys, W.
Whitmore, T.
Wigram, N.
Wigram, R. W.
Williams, R. J.
Willoughby —
Wilson, G.
Wood, Sir M.
Wellesley, R.
Wyndham, Hon. C.
Yorke, Rt. Hon. C.

HOUSE OF COMMONS.

Wednesday, January 2.

[State of the Nation—Resolutions respecting the Regency.] Mr. Lushington appeared at the bar, with the Report of the Committee on the State of the Nation. On the question, that the Report should be received,

Mr. *Morris,* conceiving the present the proper moment for expressing his dissent to some of the Resolutions conveyed in that Report, assured the House that it was his intention to avoid all repetition of the arguments heretofore introduced, and to confine himself to points either not adverted to at all, or but slightly introduced. After the various expositions of the precedents applicable to the question, which an honourable and learned friend of his (Mr. Leach) took on a former night, he would not be guilty of the unpardonable presumption of restating them. At the same time, he must insist, both from the practice and policy of our ancestors, that parliament, in supplying the deficiency of the royal authority, had uniformly proceeded without the imposition of restrictions. It had been stated by a noble lord, who argued in favour of restriction in the grant of peerages, that there was an instance to be found in the rolls of parliament, of a peer being created by the two Houses of Parliament, and therefore restriction on the Regent was presumed. He (Mr. M.) had directed his attention to that case, and the fact appeared to be, that though the creation took place in the presence of the three estates, the grant was conferred by the Regent, together with the Council of Regency. Indeed, it must be considered, that from the imperfect knowledge which the House had of the proceedings themselves, and from the tumultuary disposition of the leading characters, precedents from such remote periods could possess little influence in their application to the present times. There were, however, precedents in our history, of more modern existence, to which no such objections could apply, and with the principle and object of which the House had the fullest information. Such were the precedents founded on the Succession Act in the reign of Queen Anne, and in the Regency Act of George 2. The latter was particularly applicable to the present case, inasmuch as the interval during which the royal authority was to be supplied, might not have lasted even a single week. Yet in that act a power was given to the Regent to create peers. The same power was also given in the 5th of the present reign; and it was to be recollected that the precedents of those periods possessed this advantage over that of 1788, namely, that they were completed, and were the authentic acts of a full and concurrent legislature. A distinction might possibly be made on the ground that such powers were not given to the Regent but conjointly with a council. Such distinction did not apply to the case before them. All the House had to conclude was, that there was no limitation of the royal powers, whatever distinction might be made as to the mode in which they might be exercised. The distinction might be made an argument in favour of a council, but when it was on all sides agreed that his royal highness the Prince of Wales should be sole Regent, the precedents were wholly conclusive against the imposition of any restriction.—In reviewing the powers and prerogatives of the crown, he had ever considered them as so many links of one great chain, mutually and reciprocally supporting each other; not one link of which could be taken away, without risking the security of the remainder. With respect to the grant of peerages, he begged the House to consider for what purpose the constitution had entrusted the King with such part of the prerogative. And, in the first place, he would ask upon what ground it was the right hon. the Chancellor of the Exchequer, entrusted to the Regent the power of dissolving parliament? Was it not that he should have the means of appealing to the country at large, in case the measures of his administration were thwarted, and opposed by majorities of that House not speaking the public sentiment, but guided by their own factious objects? Assuredly it was. And was not the same principle applicable to the House of Lords? Had not the Regent a constitutional right to be invested with those powers with respect to it, by which he might be enabled to counteract any undue influence in that body to the system of his government? In the one case he had the power of dissolution, and upon a similar principle he ought to possess the capacity of creation to the peerage. He was ready to admit, that as the House of Lords was at present constituted, there was little ground for apprehension; but when he made that admission, he must deprecate personal character being allowed in any instance to afford him assurance upon questions of legislation. A jealousy of that branch was inherent in the constitution, and upon that principle it had provided in the prerogative of creating peers the salutary remedy. But then it was contended, that restriction was to be tolerated, because it was meant to be but temporary; that the interval of six weeks might restore the monarch to his full capacity. The events of these times proved unfortunately what awful consequences even the fraction of a year, as it had been styled, had brought about. In six weeks they had seen powerful monarchies subverted, and important revolutions carried into effect. Looking at the dial, six weeks, in point of time, was but short, but when he cast his eyes to the map of Europe, he could not arrive at any such conclusion. Of the restrictions, generally, he would say that enough was done for insult towards the royal personage, destined to be Regent, but little for security —enough was done to excite suspicion and provoke distrust, but nothing to secure that trust, and defend those interests which that suspicion would fain insinuate, were in danger. There was another point on which at present he would make but one observation; it was the appointment of a Council to the Queen. If it was meant to grant to this council a decision upon the state of his Majesty's health; and to take from Parliament the right of that examination, which was necessary before his Majesty's resumption of his authority—if this instrument of a council was to be made a part of the complex machinery as introduced in 1788, from him it should receive the most decided opposition, at the same time that he should endeavour to attain its apparent object, by less objectionable means.

Mr. *Peter Moore* said the Resolutions now offered to the House were the result of two days' very lively debates on the state of the nation in a Committee of the whole House, in which he had been an attentive listener, with an anxious desire to form such a satisfactory opinion as, in his own mind, should justify him in offering it to the House: and since then he had referred to such documents as the records of the House afforded, to strengthen it. The result was, that he now rose for the purpose of offering, in the name of his constituents of a very populous and important city, anxiously interested in the preservation of the constitution, a most solemn protest against the whole of the proceedings, as not warranted by any precedent of law or of parliament, and as a gross and dangerous violation of the constitution, for the reasons which he was prepared to manifest. He said, he had voted for the two adjournments proposed by the late ministers of the crown, feeling the time asked to be due to their responsibility, and to the shrine of humanity. He did this, too, differing from his hon. friend

(Mr. Whitbread) on the bench below him, whose acute discernment, accurate judgment, and unsullied integrity, both public and private, generally influenced his opinions. When, therefore, the Report of the Examination of the Physicians was made to the House, he impatiently examined it, for the purpose of ascertaining whether his hon. friend or himself was right. He found his hon. friend was not only right, in protesting against the adjournment, but, that having seen and more leisurely examined that evidence, he lamented to have what he felt it his bounden duty to state, that he thought the ministers of the day had imposed on the House, and that the Committee had not done their duty, in not extending the Examination, as the Report threw a strong suspicion on every act of Administration since the unhappy malady of his Majesty in 1788-9; and that in comparing dates and periods of other transactions, and applying them to facts on record within every man's reach, he had no hesitation in forming a decided opinion, that, availing themselves of his Majesty's infirmities, the various ministers and their dependents had grossly abused their trust, alike in the exercise of the prerogative, and the misapplication of the public finances, of which the table was filled with reports. He said, there were, in the limited report as it stood, two distinct periods to look at, viz. 1801 and 1804; and for facts he referred to the Pension Lists and other papers before the House, in one of which it would be seen, that at one of the periods stated, one of his Majesty's cabinet ministers had availed himself of obtaining the Sign Manual to warrants for money, no less than 1,418,000*l.* in terms so very gross and extraordinary, carrying with them the implied examination of various accounts and vouchers personally by his Majesty, and the acquittance of the party or his assigns, as would authorize him to declare they were purposely obtained to cover fraudulent conduct. He observed the House seemed astonished at the assertion. The documents were, nevertheless, before the House; and, if they wished it, he was ready to produce them, as he held them in his hands. Such, he said, was the complection of the advantages which appeared to have been taken of his Majesty's infirmities. Then as to the royal prerogative, said he, it had been exercised and pleaded by the basest miscreants as a cover for their abuses; it had been trampled under foot, and debased to that degree, that on a late examination, under a Parliamentary commission, into prison abuses in Ireland, when an unhappy, but truly loyal and valuable subject (who had been most grossly injured and oppressed, committed without any charge, or any evidence, or any crime or any information) stated to the court the infamous, cruel treatment he had received from a base jailor and wretched turnkey, he was stopt short in his evidence, and told by the judge in the court, "that he must not criminate any part of lord Hardwick's administration!" Such were the abuses which had been practised under the loose conduct of ministers, and so degraded was government for want of an active and competent controul over the advisers of the crown. He said, he was happy to see the Speaker in the chair, as, if he committed any error in what he said, he knew he would correct him; and if he was not corrected, he should proceed with confidence, in concluding that he was right—[The Speaker bowed to him]—Sir, said he, by the Report of the Evidence of the Physicians, in which all are agreed, we are told that his Majesty is unhappily incapacitated from attending his Parliament, and exercising the kingly office; so that of course, there is now a complete dissolution of all government, and the constitution is in danger of being lost, on account of the defect. In this situation, it is the duty of every man who loves the country, and values the constitution, to lose not a moment in supplying the defect by the most summary method possible; but I am sorry to perceive that the late ministers of the crown are nevertheless manifestly procrastinating by every plausible means to avoid the only measure which can restore the government, because that will be the hour of call upon them to defend their treasonable usurpation; but that, Sir, must be done, the constitution must be preserved, the throne must be secured, and the government restored, by those manifest means which the constitution and the Act of Settlement have pointed out.

Now, Sir, said he, let us advert first to the mode which these usurpers of the executive trust are pursuing: and, secondly, to the means by which they propose to supply the absence of the kingly office. They propose to proceed by legislative bill: but what bill can be had, in the entire absence of the third estate, and the impossibility of the King's assent? If this be done, any act, however flagitious, may be passed, and the Great Seal applied in justification of its illegality. If this be suffered, we violate the constitution, and return to the irregularities of ancient times, of making ordinances by extorted influence; and the application of the Great Seal alone may become superior to the legislative Act of the three estates. In former times, acts and ordinances proceeded from the King and Lords jointly: the Commons were only mentioned, even so late as through the whole reigns of Richard 2, and Richard 3, and a part of the reign of Henry 7, as petitioners or supplicants, and sometimes at the prayer of the Commons; in later times, the two Houses of Lords and Commons only legislated. Hence, after the restoration in deliberate and tranquil times, the Act of the 13th of Charles 2, now in force, that no two of the three estates can pass any act having the force and validity of law. Here, then, we have the constitutional rule and law of legislative process. Next, to secure all these canons of the constitution, passed the act of settlement, the 12th and 13th of William and Mary, fixing the hereditary succession, which and which alone should direct our course of proceeding at this time. Now, Sir, we have had various ancient precedents quoted with respect to the rule of legislating, in order to manifest that the King's assent has been indispensably necessary, and that no act passed without it can have the force and validity of law. But, Sir, there is a modern precedent, which, as it has not been adduced, I shall beg leave to state. It is a regular determination of the House of Lords in their judicial capacity, sitting on the trial of the earl of Macclesfield in the year 1725. This is a precedent which cannot be arraigned. It is a regular judicial decision, forming a legal and constitutional rule for all times to come. Lord Macclestield, in his defence, took exception to various acts pleaded against him, as not having the King's assent, and therefore not having the force and validity of law; and especially the 11th of Henry the 4th, which was only on the parliament roll, and not having the King's assent was not entered on the statute roll. The Lords decided on the question, and issue was joined, whether the act excepted to had the royal assent. Mr. Holmes, the keeper of the Tower records, was summoned to bring the records into court, when it appeared the act had the royal assent; on which it was decided that the act, having the King's assent, had the full force of a law. Hence, it is manifest, that according to the act of 13 Charles 2d, which was never attempted to be infringed till the year 1788-9, no two of the three estates can legislate, and that no act can have the force and validity of law, which has not the King's assent. What then becomes of the ludicrous fiction about to be set up under the Great Seal? He here repeated his solemn protest against the unconstitutional proceeding, charging ministers with all the consequences so dangerous to the state, and so insulting to the nation, declaring as he felt, that the House having found the fact of the King's incapacity, which they had done in the first of their former Resolutions, it was their duty to have instantly proceeded under the Act of Settlement, establishing the hereditary succession, to address the heir apparent to assume and to exercise the duties of the Kingly office.

The hon. gentleman then proceeded to animadvert on the means by which the late ministers proposed to supply the absence of the Kingly office. This, he said, would be best understood by the question, under the present dissolution of all government, what is wanted? A vigorous executive authority.—Over whom, the people, forming the great physical power of the empire? No—The only necessary controul over the conduct of the people were the established laws of the country, to which they bowed obedience and submission, and which they respected and venerated for their own sakes as well as the good order of the state. He now entered into an high eulogium on the loyalty, attachment, and subordination of the people—he said, they had often been libelled and calumniated, to answer the base designs of ministers; pains had been taken to poison the royal mind of their venerated sovereign against them, and to make him believe they were disaffected to his government and were disposed to sedition and disturbance; hence the difficulty of presenting petitions to the throne—he himself had presented several which never got beyond the desk of the secretary of state. Let the House, said he, now they experience the pressure of it, reflect on the proclamation and speech of ministers to parliament in the autumn of the year 1792, falsifying the proud maxim of Mr.

Burke, "that it was impossible to form a Bill of Indictment against an whole people,"—the foundation stone on which the country was perfidiously plunged into the present calamitous war—that war in which ministers started in alliance with all Europe—which having cost 1,200 millions of money and the blood of the people in proportion, now places us with all Europe against us—without a single alliance; for, said he, Spain, Portugal, and Sicily, so far from affording the reciprocity and mutualities peculiar to alliance, are a burthen to us, and must drop as became their rotten tenures, if we withdraw our military protection. This was the result of these calumnies against the people. What could better stamp the falshood of such insinuations, than the present condition of the country, when all government was dissolved by the absence of the Kingly office, and the people were all order, obedience, and submission? He said, he appealed to the right hon. and learned gent. opposite, the Attorney General, for the truth of this splendid proof of the loyalty and attachment of the people. The right hon. gent. was the best possible witness of it; for, with all his vigilance and watchfulness for the preservation of the laws, he knew he could not find a single instance of default on which to exercise the powers of his office by way of holding up an example. —The hon. gent. having begged pardon of the House for this natural involuntary digression, as a just tribute due to the exemplary good order of the people of the United Kingdom, in times of peril and difficulties like the present, said he would now return to his question of, under the present state of things, what was wanted—to restore the government?—An active masculine mind, with stores of wisdom and the knowledge of mankind, (which they all well knew where constitutionally to find) to organise, direct, and command the great machine of the state, and be a constitutional and strong controul over the conduct of the advisers of the crown, for want of which the empire was involved in all its difficulties, and threatened with ruin. But, said he, the late ministers dreaded such a controul; they wanted only a sign manual, which if they could have conjured up through the witch of Endor, as Saul conjured up the spirit of Samuel, for an occasional purpose, the House and the public would never have heard of the present deplorable condition of the empire. He most sincerely lamented his Majesty's affliction, as a subject, as a man, and as a Christian: but he most solemnly conjured the House not to lose sight of the constitution, the crown, and the government. Dissentions and distrust had heretofore been created in the royal family, as one insidious means by which ministers had been enabled to delude the country for the worst purposes;—the King had been deceived into a suspicion of the loyalty of his attached people: father had been set against son; and brother against brother; but, thank God, said Mr. Moore, he felt from a paper which he had lately seen, that even consolation had grown out of surrounding afflictions; and calamity, that common parent of reflection, had restored union, unassailable against all further intrigues, which had been happily detected, from whence he drew this most happy consolation, that in despite of all the mal-practices of ministers, the union would form such a pillar of strength as would preserve the throne, the constitution, and the empire, and restore that splendour to the monarchy from which it had been reduced by the criminal neglects and follies of interested ambitious ministers. He said he saw the ministerial papers abusing this happy and natural union of the royal family with a view to tear them asunder again, but he was confident they would fail in the wicked conspiracy. He concluded a long and animated speech, with protesting against all these restrictions, as unprecedented, unconstitutional, and dangerous, inasmuch as the country required a vigorous and powerful executive controul over the ministers of the crown; and those restrictions were attempted to be imposed, with design to establish a strong opposition and a weak government, offering an insult to the heir apparent of the throne, to whom the country looked for the preservation of the empire.

Mr. *Ponsonby* observed, that the Report had not been brought up; on which the question was put and agreed to, That it be read, which was done accordingly. On the question being put upon the first Resolution,

Lord *Porchester* observed, that in discussing the outline of the proposed course, he should studiously keep clear of any reference to the particular mode by which it was intended to carry it into effect. Neither should he view the question biassed by any consideration of the characters of either of the three exalted personages, of whom there was but one opinion in that House and in the country. Were these considerations to influence the House, an answer to restriction at all would be found in the character of the Prince of Wales. But in his view, the objection was not that a Regent should be restricted, but that the restrictions which might be imposed upon any ordinary person invested with the Regency, were not compatible with an appointment to that situation of the heir apparent to the throne, arrived at full age. In all cases of Regency the great danger to be apprehended, and against which provision was to be made, was an alteration of the succession. That danger was not, however, to be feared in the present instance: and therefore could not be made the ground of any limitation. Where the Regency was delegated to other hands than the heir apparent, then indeed the doctrine of limitation would apply, because there were then fair grounds for a jealousy arising from the precariousness of the tenure, and the entire separation of the Regent with the succession to the throne. With respect to the grant of peerages, the general principle of the restriction was condemned by the exceptions. Why should that great stay and muniment of the monarchy, the House of Lords, be degraded by such an improper preference? The motive could only be ascribed to the wish of the right hon. the Chancellor of the Exchequer, to mitigate the rigour of his proposition, by taking advantage of the two great popular services of the state, the navy and army, and probably to procure a few additional votes for his measure.——The noble lord then proceeded to that part of the question respecting the propriety of restricting the Regent from granting sinecure offices. He put it seriously to the House if the leaving of this power unrestricted in the hands of the Regent could by any possibility endanger the resumption of the full powers of the executive by the King in the event of his recovery. Those offices must become vacant before they could well be disposed of; and then if, while the Prince was steering the vessel of the State, if in its course some little prize should fall in his way, one or two offices that might be called so many windfalls—why, this extraordinary exercise of power might prove fatal to the King's full restoration to all the functions of the throne! The absurdity was not more glaring in the way of putting this objection, than in the objection itself. What! were they to be told that the Regent might, without any danger to the kingly power, remove from the administration of government those very men who had stood forth the King's friends, and the King's support—the props of Church and State. He meant the right hon. gent. opposite, and the rest of the right hon. mutes by whom he was then surrounded—were they to be told that this could be done without making any encroachment upon the certainty of the King's resumption, but that the grant of the place of Clerk of the Irons, or Surveyor of the Meltings, might be attended with consequences alarming, if not fatal to the security of that resumption. This was telling the Regent that he might strip the prerogative of all the substantial richness of its royal plumage, but that if here and there a gaudy feather casually dropped from its pinion, the attempt to replace it must be looked upon as an invasion of its honours and dangerous to its existence. But taking the proposition in an unqualified sense, he did not fear to put it to any hon. gent., and ask him to name those parts of the prerogative which could not be as safe in the hands of the heir apparent, being Regent, as in the hands of the King himself. With respect to the Household, he did not see the necessity of a distinct Household, of a double establishment, and where the people were hourly calling for retrenchment in the public expenditure, he thought that unless a strong necessity was made out, that House should be cautious how they added 15,000*l*. a year to the public burdens. But the only argument that could be admitted to have any weight in favour of the restrictions, was that which might be said to rest upon the supposition of a case morally impossible—that the Regent might be advised to throw obstructions in the way of the King's resumption of his office. But, he would ask, where in the blackest pages of history could be found an instance of a Regent being enabled successfully to impede the King's resumption of his power by such means as those which they were called upon to withhold from the Prince of Wales? There was one other consideration which he wished to press upon the attention of the House—if they were now to follow in the steps of the precedent of 1788, it would be impossible within the period of one month from that day to establish an executive government. Did the House keep in mind that by the expiration of that time must be determined the question of peace or war? On the 2d of February must be decided the question of peace or war with America; and at a period so critical and pressing was it expedient that the means of acting should be withheld from the Prince, by wasting the time in frivolous disputes and delays upon the propriety of granting every item of the power with which they were finally to entrust him?—Before he sat down, there was one other circumstance to which he should advert, and which involved in it an hypothesis, which though but an hypothesis, might be found not unworthy of serious consideration; there had been for some time back various rumours afloat: of those rumours he could not pledge himself for the truth: perhaps, though they had been so long abroad, and had appeared to acquire credit in proportion to the extent of their circulation, they might ultimately prove to have been altogether without foundation. But he should, however, submit an hypothesis to the right hon. gent.: suppose that, so long as a month ago the Directors of the Bank of England had given formal notice to the minister, that they had no means of supplying bullion to our army in Portugal for a longer period than three months, one of those months would have already passed, and what must have been the state of the country if the expiration of the remaining two should find this country still without an executive, or struggling under the weakness and indignity of a shackled one, or still in the hands of the right hon. gentleman opposite, who could not command the sincere confidence of one man in the country but themselves? He thought that they ought to feel something for the Regent, for the arduous and delicate charge they were about to impose on him, at such a difficult time, of which he must feel himself bound to give an account to his royal father. He should not longer trespass on the House, but conclude by moving the following Amendment upon the Resolution then before the House, "That the concluding words of the said Resolution, 'subject to 'such limitations and exceptions as shall 'hereafter be provided,' be left out."

Sir *Thomas Turton* rose to second the Amendment. He disapproved of the system of restrictions—the name of Mr. Pitt had, he believed, given it a sanction, of which it was in every respect unworthy; but that was not the first instance of great authorities being made use of to give a sanction to absurdities. In his view of the proceedings of 1788 he thought that in consequence of an inadvertent assertion having fallen from an enlightened statesman of that day, which was tortured into a meaning not intended by him, and denied by his party, a pretence was created for carrying the opposite principle to an unjustifiable extent, and which, whatever was the motive, certainly had a tendency to insult the Prince. The right hon. the Chancellor of the Exchequer might smile, but he saw no good reason for restricting the powers of the Prince, but a suspicion that he would not use those powers wisely; and a presumption of this kind he thought unfair and insulting. The apprehensions of the King meeting with any obstructions in the resumption of his powers were scarcely deserving of serious refutation; could it be believed that the heir apparent would not be eager to catch the first faint dawnings of returning reason: He concurred in the truth of the fine illustration made use of by an hon. gent. that the King, like the sun, need only shew himself to be acknowledged—his recovery could not possibly be withheld a moment from his people—the precedent of the proceedings during the King's illness in 1788 had been attempted to be confirmed by the speech which the same ministers had put into the King's mouth, in approbation of their own conduct; but he did not understand how two bad precedents could make one good precedent. The precedents referred to in the case of the Regency during the reign of Charles the 6th of France, did not apply, as in that case the regent was not the next in succession. In imposing so arduous a duty on the Prince, he thought the House was bound not to deprive him of the means necessary to discharge that duty, however disposed the ministers, those modern Sangrados, might be to weaken and unfit him for the office. Much as they had heard of the precedent in 1788, it was not to be forgotten that the Bill for restricting the Regent did not pass till the 12th of Feb. and that at that late date the confident and sanguine expectation of his Majesty's speedy and complete recovery, he being then in a course of progressive amendment, must be supposed to have had considerable influence upon those who voted for the restrictions. But the right hon. gentlemen still obstinately clung to their precedent. They threw it down before them as a sort of challenge of defiance to all opposition or objection, and this, too, on the mere strength of Mr. Pitt's name and authority. A certain puerile verse recited in some boy's game might, with a slight alteration, be applied to such reasoning—

"Here stands our Precedent. Who put it there?
"A better man than you, so touch it if you dare."

With respect to the nomination of a few lords of the bed-chamber, he could not think it of too serious a power to entrust with the Regent. The saving of the 15,000*l.* he confessed did not seem to him of much importance, because he thought that the great cause of public economy could only be advanced by great and well-judged reductions in the public expenditure—a moiety of the treasure wasted in the mad and disastrous expedition to Walcheren would weigh more in the scale of economical reform than many of such pitiable savings as were by some persons calculated upon. He concluded by seconding the Amendment.

Lord *Francis Osborne* expressed himself hostile to the Resolutions, as well as to the general mode of reasoning by which they had hitherto been attempted to be supported. If he understood them rightly, they appeared to him to be in direct defiance of the principles of the constitution. The second Resolution went to pledge that House to supply the deficiency in the executive, and they were at the same time called on to weaken and abridge those powers which were essentially necessary, complete, and unimpaired, to the supply of that deficiency. This was asking them to do two things which defeated each other; for he could not understand how the deficiency acknowledged to exist could be remedied by means not sufficiently ample to supply it. The duty of that House was simple and direct: it was to supply the deficiency existing in the executive, and fully to supply it. The partial or restricted supply of it was a sort of innovation which might at a future period be converted into a precedent of a very different kind. If the House might now alter the mode of filling up the defect in the executive, by limiting the powers of a Regent, what was to prevent a future House of Commons from proceeding upon an alteration of a different kind, and enlarging the powers of the Regent? Admitting the right of altering at all, the mode of alteration followed irresistibly; and however various or opposite that mode at different periods, still the question of changing the executive, which ought to be unchangeable, must become a fair topic of justifiable discussion—such appeared to him to be the dangerous consequences likely to result from such a course of proceeding, because, if once they begun to alter at all, they could not put a stop to the mode of alteration. There was no part of the prerogative more important than the right of creating peers. He looked to the House of Peers as to a great and distinct branch of the legislature. The right of adding to the number of his hereditary counsellors was vested in the King, he believed, for the best and wisest of purposes. He could not consent to impose upon the Heir Apparent the weight of the royal functions deprived of all that could give him strength to wear and exercise them with dignity. The minister had affected to do much when he consented to leave to the Regent the right of making peace or war; but with respect to war, there was not in Europe a power left to declare war against us, they were at war with us already; and as to making peace, that House had frequently and decisively declared peace to be, for some time at least, impracticable.—The speech of his Majesty by commission on his recovery had been much relied on as a conclusive confirmation of the propriety of the proceedings in 1788. That speech was to be considered either as the speech of the King in his individual capacity—and to look at it in such a point of view would be, he conceived, a gross abuse of all parliamentary usage, and a violation of their duty to the public—or it was to be considered as all other King's speeches had been, as the mere speech of his ministers. In this just point of view they might come at its true character, and find in it, after all, nothing but a clumsy and fulsome attempt of the King's servants to pass a panegyric on themselves. With regard to the King, individually considered, he thought it the duty of that House to consult his private comfort and personal feelings, and to treat him with that duty, devotion, and respect which were even less due to his station than to his worth: that worth he admitted in its fullest extent—no man who knew what it was to be a father, no man who knew how to value the most tender and amiable relations of society, could possibly be insensible of that worth. Indeed, he had always thought that the private virtues and moderate conduct of his Majesty had been of more real service to the country than all the public measures of his reign. But while he stated this, he could not refrain from protesting against the use which had recently been made in that House of the general conviction of his Majesty's virtues, in order to influence the decision of a question, which ought to be determined without any reference of a personal nature.

Mr. *Yorke* congratulated the county of Cambridge on having a representative of so much ability as the noble lord who spoke last, for whom he had never ceased to have the highest respect and goodwill, even at the moment when they were more particularly opposed to each other; a representative descended of a family eminent both for its loyalty and private virtues. Though the subject now before them had been nearly exhausted, he thought there was still room for animadversion upon the speech, both of the noble lord opposite, and the hon. and learned gent. who had preceded him. For the purpose of making some observations on what they had said, he would take the liberty of stating his view of the question for their consideration. He did so, because the arguments which might be applicable to a different state of facts, might not be applicable to the present case; and though some of the Resolutions had not yet been brought up, it would, he apprehended, be more convenient now to consider them altogether.—The state of facts then was this; his Majesty had by the unanimous vote of both Houses been declared incapable of the personal exercise of the royal functions; but upon the same evidence on which this vote was founded, it appeared that the indispositions of his Majesty was not likely to last for any long period. Of the indisposition of this nature, by which his Majesty had been before afflicted, the first had lasted four months, and the others for a shorter period, and the physicians referred to this as a ground for their expectation that the present malady would be of no long duration. They were then called upon to supply the defect of the royal authority, but only for a very short period. How many arguments might be good when applied to a long incapacity, which were not applicable to the present state of facts. The two Houses of parliament had decided that it was their right and duty to supply the deficiency, and also to point out the mode in which it should be done; that it should be done not by Address, but by Bill, which was the constitutional form. The two Houses having decided that the proceeding should be by Bill, the conclusion was, that they did not think it right to take the whole power of the crown from the monarch, but that they should only take so much of it as would be necessary for a short period. The two Houses, by the same act, had also virtually decided that the ministers who had been in office before the incapacity took place, and who could not properly remove themselves, should continue to perform the duties of office till, by some measure or other, successors were appointed; they had virtually thus decided, he said, by not calling for the Great Seal and the other seals and symbols of office, for the purpose of taking the power and the duties into their own hands. This, too, had been a consequence flowing from the proceeding of 1788, under circumstances similar to the present. The two Houses having decided that the defect should be supplied in this manner, they resolved that the Prince of Wales should be Regent, with such powers as the two Houses thought proper to vest in him.—Proceeding to notice the arguments of those who had spoken on the other side, the right hon. gent. adverted to the objection in point of delay urged by the noble lord opposite (Porchester), with respect to our relations with foreign powers, and observed, that this might be a proper argument when urged in time, but that it now came too late; because he was authorized to say, that the two Houses had decided that the proceeding should be by Bill, and not by Address, and that the executive power should in the mean time remain in the hands of the present ministers, as the seals and the other symbols of office had not been sent for to be entrusted to committees of both Houses. He did not say that this should have been done, but only argued that as it had not been done, the ministers were forced to act on their responsibility. The ministers of queen Anne had in the same way taken upon themselves on their responsibility to act for the public till the arrival of George the 1st. In considering the general subject, he must observe, that the personal character of the Prince of Wales, or any one else, ought to be laid entirely out of view, because they were in all probability establishing a precedent for the conduct of future parliaments. The argument for personal confidence might be well founded in the present instance, and yet utterly inapplicable to a future case, and he would now give that sincere opinion to the House which he would have done to the Prince of Wales himself if called upon for his advice. Considering the question, then, as applying to the appointment of a Regent for a short period, he had no conception that the Regent ought to be invested with the full powers of the crown, notwithstanding the able argument of the honourable and learned gentleman opposite (Mr. Leach). Great stress had been laid upon the precedent of Philip and Mary, by which the King was invested with the full powers of the government during the infancy of the heir to the crown which might be the issue of that marriage. But then it should be remembered, that Philip was actually King, as well as king William in the time of William and Mary: (hear! hear!) he maintained that there was little difference between the two instances, and the authority indeed was vested in queen Mary during her life (hear! hear!), but then her husband Philip had the title of King, and it was natural therefore that during the minority of the infant, he should act as King; and it appeared that by applying the whole law of treason to his person, the parliament had considered him as King. The government of Philip might, besides, have lasted for a very long time, and in such a case there might be many arguments to alter his opinion with regard to the degree of restriction, or possibly might occasion a doubt in his mind, whether there should be any restrictions at all. In the Council of Regency, in the time of queen Anne, there was a limitation as to the power of giving assent to certain specific acts, which was sufficient to shew that some restrictions ought to be imposed. At the death of Anne, no peers had been made till the arrival of George the 1st, because it was thought that no power to create them had been given, and why should a temporary restriction in this respect be now objected to? He remembered what had passed in the discussion of 1788, having been in the House, though not regularly, and he defied any one to shew him an instance where some limitation had not been imposed on the Regent, either by the King or by Parliament. The noble lord opposite, had made a distinction between an heir apparent of full age and a presumptive heir, or an infant; and he (Mr. Yorke) allowed that there might be a difference of expediency as to the restrictions to be imposed, but there was no instance of a guardian to an heir apparent, down to the reign of George the 1st, without restrictions; and why should they now do more than the King himself, if he were to leave the kingdom for a short time, would chuse to do?—The power of the House, as had been justly observed, was limited by the necessity of the case, and they therefore had not the right to separate from the monarchy any more of the regal authority than was absolutely necessary to carry on the government for a short time. Was it then necessary within a short period of time to create peers? It had been said by the gentlemen on the other side, that whatever powers of the crown were not necessary to the conducting of the government, ought to be abolished. In that he did not agree; he considered the constitutional powers of the crown as a venerable gothic structure, and when he looked at its flowers and ornaments, the only question with him was, whether they were hurtful; but he did not think that the columns, the mouldings, and the ornaments ought to be taken away because every gazer below might not be aware of their utility. He, therefore, denied the principle, that it would be proper to deprive the crown of whatever powers were not absolutely necessary to the execution of the duties of the office. It was clearly not essential that the power of creating peers should be in continual exercise, and why therefore should it be given to the Regent? Why should the King be deprived of more authority than might be wanted to conduct the government during his temporary incapacity? for he had the evidence of the physicians to warrant him in affirming, that in all probability his indisposition would not be of long duration. As the Regency, then, could not be supposed to last long, and as no material injury would result from a short suspension of the power of creating peers, why should the Regent be entrusted with that power? He maintained, that on the constitutional principle as well as from other considerations, the restrictions were proper and necessary, and in conformity with the best view of all the precedents.—The right hon. gent. then came to the Resolution respecting the Household, upon which he wished to say a word or two before he sat down; and he contended that it was better, with regard to this point also to act upon the precedent of 1788. He still referred to the fact, that the King's indisposition would probably be of short continuance; and that a Regent would not be wanted for any long time. If it were to be of long duration, then perhaps he might be of opinion, that not only the power, but much of the splendour of royalty should be attached to the Regent. But why should the Prince Regent, holding the situation for a short time, have the household, any more than George 2, then Prince of Wales, administering the government for six months, in the absence of George 1, on the Continent? The difference between the two cases was, that in that instance there was a temporary personal absence, and here a temporary mental absence. Rather than separate the Household in the manner proposed, he declared he would prefer having no Resolution at all on the subject; because if there should be no Resolution, he could not conceive that the Regent, *pro tempore*, would think himself authorised to interfere with the King's Household. If the House should agree to this plan of separation, he was convinced they would find much more difficulty in the details than they were at all aware of. Though he was not much conversant with the Household, he knew sufficient to convince him, that they would have a most difficult task to perform; and that they would not be able to perform it at last. It was infinitely better, in his opinion, to leave the whole with the Queen for a short period. He did not see why the Regent should have more authority over the Household than George 2d had in the absence of George 1st, considering the short period that the Regency was likely to continue; and at a future period that power might be increased, if that should happen which he abhorred to think of. But he did not see why the attendance of the officers of the Household on the Regent should be necessary during the short period that he was to administer the government. He admitted there was weight in the arguments on the other side; but they could take no course that was attended with inconvenience—they had but a choice of difficulties, and the only question was, which course was the best. He was decidedly of opinion, that for the short period proposed, it would be in every point of view, more advantageous to confide the whole of the Household to the Queen, together with the custody of his Majesty's person.

Mr. *C. W. Wynn* was of opinion, that the feelings of the House, to which an appeal had been so frequently made on this occasion, were not to be taken into consideration on so important and constitutional a subject. It was the duty of members, whatever might be their feelings, to take care that affection should not subdue their judgment. It was their duty, as well as consistent with their feelings, to consult the interests and comfort of the monarch personally, but they were not to sacrifice to those feelings, however laudable in themselves, the interest and honour of the monarchy—a monarchy under which we had subsisted so many years with such glory and prosperity to the country. It had been argued, that we ought to consider what would be the sentiments and feelings of his Majesty on his recovery; but however much respect he was disposed to pay to those feelings and sentiments, he was called upon at present to exercise a still higher and more important duty—to consult the constitutional interests and dignity of the crown. The royal prerogative, to whatever hands committed, was not to be mutilated or impaired. It has been already in the course of these discussions satisfactorily proved, that at no former period the royal prerogatives had been impaired or restricted. They had existed, it was true, in more or less hands, according to the wisdom and provisions of parliament in cases of the Regency, but they were still left whole and entire. The Regent might have had a council to assist him, but to him, with his council, the whole powers of the crown were for the time delegated. A noble lord under the gallery had endeavoured to shew that all the functions of royalty had not been granted to the Regency in the minority of Henry 6, because sir John Cornwall had during that period been created a peer by the authority of parliament; but he would remind that noble lord, that in the 20th year of the same Henry 6, he was created earl of Milborne exactly in the same way as he had been made a peer in the 10th of the same reign. He asked also if the peerages of Hereford and Somerset had not been created under the minority of Henry 6, a proof that the power of creating peerages was not deemed inconsistent with the power and authority of the then Regency. With respect to the case of Philip and Mary, a right hon. gent. who spoke last had argued that Philip was invested with full and unrestricted powers, not as Regent, but as King.

This, however, he denied, and would ask that right hon. gent. if those powers invested in Philip were to be exercised till after the death of Mary. Till after her death they were certainly not to be exercised, and they must have been exercised by Philip, as Regent, and only till the heir apparent, or heir expected was capable of assuming the government. The Queen was then pregnant, and prayers were put up for her through the whole kingdom. The right hon. gent. had also argued, that this was a case where the exercise of those powers was likely to be continued for a long time; but this also he denied, as the Queen was not then more than forty, and in the ordinary course of things an interregnum could not have been expected to last long. The right hon. gent. had also alluded to the precedent in the reign of George 1, when George 2, was appointed Regent in his father's absence on the Continent. It was true that the powers of the Regent were at that time limited; but he was more properly appointed Guardian of the Realm than Regent, and as such, he admitted, was not invested with all powers. The two cases, he contended, were extremely different. The King was then in full possession of his faculties. It was not a case of inability but of temporary absence, and no more time was necessary to consult the sovereign himself, than just as much as might be necessary to send a courier from London to Hanover. This was a case by no means to be put in competition with the present. It might with equal propriety be contended, that the Prince of Wales should not be permitted to create any peerages, because the Lord Lieutenant of Ireland was not invested with that authority. The Regent in the case of George 1, he regarded as nothing more than the Guardian of the Realm, or Lord Lieutenant of the kingdom, a case extremely different from the question now before them. In the case of a Lord Lieutenant the King might be consulted; in the case of George the 1st, the King might also have been consulted; but in the present circumstances there was no such alternative.—The same, he contended, would hold good with respect to the Household. The King was then in full possession of his faculties, and, with respect to the personal exercise of his prerogatives, was in full and perfect activity. He was ostensibly before parliament, in the eye of the public, and in the full exercise of all his powers. There was, therefore, no reason for delegating his power to any temporary representative in his absence. The case was very different when all the royal functions were suspended, not only as they related to the exigencies of the state, but as they related to the direction and controul of the Household.—He adverted next to another argument of the right hon. gent., that this restriction, with respect to the creation of Peerages, was only for a short period, and that no injury to the executive, or to the public interest, could ensue from this Restriction, because, in the course of the four years of the present administration, no Peerages had been created, with the exception of military and naval officers. This argument he considered as extremely fallacious. With the same propriety it might be urged, that because the present administration had not, during these four years, made peace, the Regent therefore might be deprived of that necessary prerogative of royalty, without the public sustaining any injury. It was, however a mistaken idea that no peer had been created during these four years. Was not lord Manners made a peer, for the sake of becoming Lord Chancellor of Ireland? Might it not be also necessary to have a new Lord Chancellor during the Regency, and how aukward would it be for his lordship to sit in the House of Peers without having a voice. This was a very probable case, and bore directly against the argument he was combating. He denied that because a new peerage had not been found necessary during the last four years, it might not be necessary, therefore, during the next year. Was it certain, that they might see no inconveniency in continuing the present Lord Chancellor during next year, because they had seen no inconveniency in continuing him during the last four years? Would they, therefore, so tie down the Regent, that he should not have it in his power to make a new Lord Chancellor a peer of the realm? He contended that the exception of naval and military officers, was but a poor expedient to qualify this Restriction. In the reign of George 1, the House of Lords were pleased to request of that monarch to limit the number of Peers; that House,* however, which had at all times stood forward in defence of the constitution, interposed and saved the other branch of the legislature from such an act of political suicide. It was impossible to say, if once tolerated, to what a dangerous extreme such a system might be carried. Till the present moment the executive had always been considered the judge on whom the grant of the peerage should be conferred, and to what extent that prerogative ought to be exercised. It had never once been thought that it ought to be confined to naval and military characters alone, nor had he been aware till now, that there had not existed men in the civil departments of the state who had as justly merited the honours of the peerage as any naval or military commander whatever. The services of lords Burleigh, Somers, or Clarendon, he had always understood, reflected as much honour on the present possessors of the honours of those noble families, as those even of the duke of Marlborough did on the representative of that great general. And, in more modern times, the honours conferred on lords Hardwicke, Chatham, and others were, to his mind, equally well merited as the honours conferred on any of our most celebrated officers, either in the army or the navy. Were we then now, for the first time, to be driven to make this invidious distinction? The next time gentlemen came to the House and called on them for limitations, they might go the length of asking, that the right of granting peerages should be conferred only on an Address from both Houses of Parliament, and from the Regent such a limitation might in time be extended to the King. It was a painful task to dwell on what were the hopes and fears as to his Majesty's recovery. But even if it could be calculated that his Majesty's indisposition might not exceed the term of six weeks, still he could not think it safe, that the royal prerogative should, to any extent, remain suspended for that period; or that the country should be accustomed to see it in any other than a full and entire state of activity. He could not conceive that it could be any thing else than gratifying to his Majesty, on his recovery, to see that his prerogative had been preserved entire, and had been exercised by the son in the name of the father. His Majesty, he had no doubt, would be satisfied that the House in delegating the trust to his son, had conscientiously discharged their duty. In delivering his opinion on this subject, it made no difference to his mind, whether the King on the throne, was Charles 2, or William 3,—whether he was a pattern of profligacy or of virtue. The prerogative was intended to be used for the public good, and to belong to those on whom the trust devolved. On these grounds he was of opinion, that the whole regal authority full and undivided must go to the Regent.

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* For the Debate in the House of Commons, on the Peerage Bill, Dec. 1, 1719, see 7 Cobbett's Parliamentary History, 609.

Mr. Secretary *Ryder*, however little he could expect that any thing he might say would have any weight with the House, certainly did expect that it would have some little effect with the hon. gent who spoke last, because the principles which he must now support, were the broad and constitutional principles of a noble relation of that hon. gent. (lord Grenville) and were drawn from a speech of that noble lord, made by him in that House in the year 1788, to the principles laid down in which speech that noble lord still adhered, after having had twenty two years to weigh and digest them. As to the speech of an hon. and learned friend of his (Mr. Leach) to which so many allusions had been made in the course of the debate, and which from the depth of research for which it was distinguished, and the great variety of precedents detailed in it, was entitled to the highest respect; giving to the speech of that hon. and learned gent. every degree of credit which was due to it, he could only say, if it had not received an answer from that side of the House, it was not because the speech of the hon. and learned gent. was, as it had been said, unanswerable, but because the principles laid down, and the arguments made use of in the speech of the noble lord (above alluded to,) had already answered them. The hon. and learned gent. (Mr. Leach) began by saying, that he defied any gentleman in that House to point out an instance where they had delegated the royal authority in any respect, and had imposed any limits on the exercise of it. But how did the hon. and learned gent. make out this proposition? by shewing, that when they delegated the royal authority to a Regent, they appointed also a council, to whom, jointly with the Regent, the unlimited exercise of the prerogative was committed; and from thence the hon. and learned gent. argued that the power of the crown had not been abridged. He would be glad, however, to know where was the difference between giving the whole power to a Regent, and to a council, without whose authority he could not use that power, and giving him only part of the power which he was at liberty to use at his own pleasure, subject to no controul whatever? Was that not equally a breach of the constitution, if it was unconstitutional to abridge the exercise of the royal prerogative? Could it be less a breach of the constitution, to bestow the whole royal prerogative with the reservation of a consent without which it could not be exercised in any respect whatever, than to limit the exercise of it only in part? Did not all the parliaments in all the instances referred to by the hon. and learned gent. in the appointment of Regents with Councils, without whose consent they could not act, maintain this, which was all that was now maintained by those who proposed the present limitations. Even in the best of times, when the Act of Succession was passed, the government was confided to a Regent and permanent Council, not only so, but there were even particular acts which both Regent and Council united could not do.—The right hon. Secretary proceeded to observe, that they were called on to beware of imposing any limitations upon the executive power, lest they should give a handle to the discontented to insinuate, that if they might be dispensed with now for a time, they might be dispensed with wholly and for ever. He was more afraid, however, if they should now depart from the line of proceeding adopted in the year 1788, that they might seem to abandon their duty to the best of Kings, and to be courting the rising sun. If they did so, how could they answer it to their constituents? They were now performing a duty which it was not calculated on, at the period of their being returned to parliament, they would have to discharge. The restrictions of 1788, though not carried into effect, were similar to those now proposed, and had obtained the sanction of both Houses, as well as the approbation afterwards of the crown. The object of that proceeding, and the circumstances, were precisely the same as now. It was then thought, that the necessary power would be better delegated to a single individual, than the whole power indefinitely entrusted to a Regent, with a controuling council, forming a sort of oligarchy less congenial to the spirit of the constitution. A noble lord who had spoken early in the debate (lord Porchester) had denied the right of the House to legislate, and had contended that the dangerous and critical circumstances of the times required a vigour and independency in the Regency, inconsistent with any restrictions. He confessed he was not blind to those dangers, nor to the critical circumstances of the times, and was as solicitous as any man that every provision should be made for them, and that all necessary vigour should be placed in the hands of the executive; but he would, however, at the same time, ask, if one or all of those restrictions could possibly obstruct the exercise of that necessary vigour, especially as they were proposed only to continue for one year? The privilege of creating peers was not necessary, he contended, to a vigorous administration of public affairs, nor could the restriction of that right at all impede the vigour of government, or interfere in the conduct of the war in which they were engaged. This restriction was still more unobjectionable, if they considered that an exception was made in favour of naval and military officers. The propriety of this would be obvious when it was recollected that a naval or military commander might receive a mortal wound in the enterprise that entitled him to the honours of his sovereign, and the gratitude of his country. It was desirable, therefore, that those honours should not be delayed, and that there should be an existing power, capable of bestowing them upon merit. With this very proper exception, it was evident that the restriction, with respect to the creation of peerages, could be productive of no detriment to the public service; and it was equally evident that withholding the power of giving places for life, or the limitations with respect to the Household, could not in any degree injure the service or obstruct the vigour of government. It had been stated, that if the executive could be carried on with restrictions and limitations, the royal prerogatives so withheld might be abolished, as unnecessary to the purposes of government. This, however, he denied; and in support of his opinion again adverted to the speech of the noble lord to whom he had already alluded (lord Grenville). The prerogatives of the crown were established provisions for a long and continued government, and not granted by parliament in a case of emergency. If those prerogatives were bestowed by parliament, they would then be the prerogatives of parliament, and not those of the crown. Parliament had no right to vote away the whole of the prerogatives, but were called on to delegate as much of the royal functions as was necessary to supply the existing deficiency in the executive, and carry on the affairs of government. (Loud cries of hear! hear!) He was sure, however, that any mode of reasoning would have but little impression on the minds of the gentlemen opposite. Whatever line of conduct ministers had pursued, they should have equally incurred censure. The efforts of those gentlemen were not directed to correct their errors, if the ministers had been guilty of any, but to load them with abuse and invective. (Loud cries of Hear!) In adverting to another point, to which he directed the attention of the House, he contended, that they were not discharging a trust devolved upon them in the ordinary course of legislation, but were called on to discharge a duty as new as it was important, and in the discharge of which they were to look to the opinion of their constituents. The voice of the people had been already declared. He did not mean the transient and artificial voice, which was often opposite and contradictory,—he did not speak of the clamour of faction, and the noise of the mob, which often applauded the worst of measures, when misled by prejudice and ignorance, but the voice of the more sober and thinking part of the community. The Resolutions now were the same as in 1788, and though they were not then carried into effect, they had not only the sanction of the two Houses, but afterwards the approbation of the third estate, and of the country at large. The successful stand made by Mr. Pitt at that time, to secure the rights of the crown, and of the two Houses of Parliament, had gone farther to raise his name than, perhaps, any other transaction of his long administration. It was the anxious wish and earnest hope of the country at large, as well as of every man, he had not the smallest doubt, in that House, that his Majesty might in a short time be in a state to resume the exercise of his high and important functions, and it was their duty to take care that no obstacle should impede his return. If the country, then, was so tremblingly alive to those feelings, they were to consider how they should give an account to their constituents, when called on to answer for their conduct on this important occasion. He was willing to allow all possible delicacy towards the Prince personally, but that delicacy ought not to be carried so far as to destroy the freedom of parliament. They were at liberty to feel the personal obligations they owed to the sovereign: he also felt them, but, at the same time, he did not act from them, he acted from general principles and on public grounds. It was his wish to have a strong executive, but at the same time to secure the personal rights of the King, and facilitate his return to power.

Mr. *Grattan* rose and said:—Sir, from what I have heard in the course of this discussion it appears to me, that the question under consideration has not been fairly stated; that is, has not, in the manner in which it has been argued, been placed upon its real grounds. The question now before you is not what has usually been done in cases of Regency, but what ought to be done in the present emergency and under the existing circumstances of the times in which we live. The precedents bearing on the case of the appointment of a Regent, have been ably stated and commented upon by an hon. and learned gent. (Mr. Leach) in a former debate. The distinguished manner in which that hon. and learned gent. has argued that part of the question, leaves little to be added by those who may follow him in the same track. It is clear, then, from what has fallen from that hon. gent. that in every instance of a Regency, all the prerogatives of the crown have been given to the Regent; or if not given to the Regent that they were never suffered to continue in suspense; that if not active in the hands of the Regent they were still in subsistence for the benefit of the people. It is a very unsatisfactory answer to our argument, to say, that all the powers of the executive should not in this instance be given to the Regent, because in some cases certain powers were not given to a Regency. The nation has a right to call upon parliament to give the public the benefit of those prerogatives vested in the crown for their use, whether they are to be conferred on a sole Regent or a council of Regency. The public has an interest and a right in these prerogatives of the crown, and it is, therefore, incumbent upon those, who propose restrictions upon any of them, to shew, that they can be withheld with safety. The right hon. Secretary has indeed contended, that the prerogatives of the crown are not necessarily to be at all times in a state of activity. But does the right hon. gent. mean to say, that the essential and vital prerogatives of the crown are not necessary to be exercised, at a period when the country is in such a state of difficulty and danger? But says the right hon. gent. the period of the restriction is to be short. How does he know that? The period proposed is one year. But will France wait for one year? Will America wait for one year? If you cannot postpone the activity of your enemy, you should not suspend the functions of your executive government. You cannot suspend the prerogatives of the crown without great danger to the constitution of your monarchy. The right hon. gentlemen opposite propose, that the Regent shall be invested with only a part of the prerogatives of the crown, and would have us believe, that the power of creating peers, of granting places or pensions permanently is not necessary in this period of war, at least for twelve months. If the right hon. gentlemen can shew that, they must do a great deal. It is an experiment highly exceptionable and imminently dangerous at any time to make it a matter of doubt, whether the vital prerogatives of the crown be necessary for well conducting the affairs of the nation. The executive magistrate, whether administering the government in his own name or in the name of his sovereign, ought to possess in their fullest extent all the prerogatives of the crown. Now, I beg leave to submit what I conceive to be the duty of this House on this occasion. Our great object is to supply the existing deficiency by putting into activity and action all the powers of the executive in the hands of the Regent. How far, then, is he to exercise the royal functions? By signing papers? No. How then? By exercising a competency of power to the exigency, and calling forth into action all the royal functions requisite for the salvation of the country. You must recollect, that this is a year of war. You must recollect, that this year, in which you are called on to deprive the Regent of some of the great prerogatives of the crown, is not merely a year of war, but a year, in which you may have to fight for England on British ground. The right hon. gent. has called upon us to prove, that the prerogatives proposed to be restricted are necessary to be given to the person who is to represent the sovereign in a period of war—of such a tremendous war. I say the right hon. gent. is not intitled to make that call upon us. The prerogatives are allowed on all hands to be at all times necessary for the crown, and it is incumbent on him and those who think with him on the contrary, therefore, to shew that they are not necessary for the Regent, under the pressure of all the difficulties and dangers with which the country is beset. They are bound to shew that those powers, with which the ancient kings of England were invested, which the constitution recognises, and which are essentially necessary for the welfare of the realm, may be now safely suspended in this arduous and alarming crisis; that those prerogatives, which are of the essence of the monarchy are in the existing state of things superfluous and unnecessary.

But the right hon. gent., who has proposed these Resolutions, has himself given up his principle, when he excepts from his Restriction, persons performing great naval or military services. Having given up a portion of his Restrictions, he has nothing now to do but to give up the remainder. He has so far broken in upon his original proposition as to destroy the principle he professes to sustain, and whilst he wishes to establish his rule by the exceptions, he makes his exceptions the conditions of that rule. The right hon. gent. has undoubtedly admitted, that there might be much inconvenience in extending the Restrictions in a time of war to the case of distinguished naval and military officers. But why should not similar inconvenience be felt from including within its operation, the eminent services of meritorious civil officers? If the principle be right the exception is wrong, if on the contrary the exception be proper, the Restriction should be got rid of altogether. In fact the most irresistible argument against the Restriction, if it be wise or politic, is, that it is not carried far enough. Yet, let me ask, whether we should now set about making the experiment, how much of the royal power may with safety be suspended: how much of the royal prerogatives may be spared? the proposition of the right hon. gent. calls upon us to determine, not how much of the powers of the sovereign shall be given to the Regent, but with how little of these powers the Regent, in a period of unexampled difficulty and danger, may be able to do much for the salvation of the country. Will the House take upon itself under such circumstances the heavy responsibility of detaching from the executive magistrate so large a branch of the powers of the government? Will the right hon. gent. and those who think with him be responsible in their own persons for the consequences which may ensue? Let me add too, that it is not a fair way to state the question to say, that it is not necessary that this office or that pension should be granted or any particular peerage should be conferred. The real matter for consideration is whether the prerogative from which such favours flow is material to the Kingly office; and if it is, whether it be right that it shall be kept in suspence? If the Regent shall have no power of granting offices or pensions but during the Regency, or of creating peers except in specific cases, it must be obvious, that the ministers, who are the servants of the infirm King, will have a reversionary interest in such grants on the recovery of the King. If these ministers should not be the ministers of the Regent, this reversionary interest will be a means of strengthening them against his goverment and of weakening the powers of the executive at a time when all its vigour and energy are indispensibly necessary. You will give to them, therefore, in prospect, what you take immediately from the Regent, and by stripping the person at the head of the government of the power of rewarding public services, throw into the hands of those ministers additional means of traversing the measures of his administration. Suppose, for instance, a person disappointed in his expectation of such a grant from the Regent, will he not naturally look to those, who may soon have that power, which the Regent is not to possess, and join them in an opposition to embarrass his government? The case is not unlikely to happen, and will you then by adopting these Restrictions establish a weak government and a strong opposition? Will you paralize the vigour of the executive by legislative provisions, and create a powerful opposition by act of parliament?

It is not enough to say, that the Restriction on this prerogative is necessary to facilitate the resumption of his power by the King on his recovery, or that it is not in contemplation to do any injury to the monarchy or to the constitution. If you confer only a part, and withhold the remainder of the prerogatives of the crown from the Regent, you will alter the whole face and complexion of the sovereign authority. The monarchical power will be no longer in the hands of the Regent, what the constitution directs it should be in the hands of the chief executive magistrate. This would be to alter the very frame of the government and the original principles of the constitution; to separate the authority to discharge the more arduous duties and functions of the government, the administration of foreign affairs, the decision of the relations of war and peace, and the distribution of justice and regulation of police at home, from those prerogatives, which add grace and lustre to the sovereign power, and by their amiability render the executive magistrate an object of affection no less than a source of terror, the fountain of bounty and favour as well as the executer of justice. It is not enough to make the Regent a penal magistrate, to arm him with all the coercive powers of government, to authorise him to inforce the revenue laws, to visit offences with punishment, and to exercise all that is harsh and odious in the duties of the chief magistracy; we must also give him those healing and remunerating prerogatives, which cast a veil over the severity of vindictive justice, and reconcile, by their salutary interposition, the sterner exercise of authority, whenever it may be necessary to put it into force for the welfare of the community.

But, Sir, let me ask, in the first place, whether it be necessary to suspend this prerogative under the present circumstances; and, secondly, whether it will be safe to withhold any part of the powers of the crown from the Regent, at a time when not only the nation is at war, but also universally admitted to be in a state of imminent peril? Can it be necessary in order to facilitate the King's resumption of his power upon his recovery, which I sincerely hope may be speedy, that the Regent should be abridged of the power of creating peers for any given period? Can any man suppose, that the exercise of that power of making peers in any imaginable manner, during twelve months, could tend to obstruct the resumption of his royal functions by his Majesty? I concur most fully in the propriety of that provision, which gives to the Queen the custody of his Majesty's person during his melancholy illness. I am equally ready to admit that the first moment of his Majesty's restoration to perfect health should be the period of the full resumption of his authority. Every necessary precaution should be now provided to reinstate him in all the prerogatives and powers of the monarchy as soon as his Majesty's intellectual faculties shall resume their vigour. On the dawn of reason his Majesty should walk forth with all the ancient and undiminished privileges of the monarch. When gentlemen say, that the power of creating peers in the hands of the Regent would be productive of impediments to the return of the King to power, do they mean that a Regent would be so lost to the dignity and duties of his station, as to harbour such an idea? Do they think that, if he could find instruments for such a purpose, the Regent would be capable of entering into so foul a conspiracy against the rights of his sovereign and the interests of his country? The very Bill, which the right hon. gent. has himself brought, it negatives the base suspicion; for it declares, that the Prince of Wales shall be Regent, not in right of his birth, but on account of his fitness. Is it, then, consistent in Parliament to declare in the enacting clause his qualification, and in the restricting clause to deny it? The right hon. gent. has insinuated, that a number of peers had been created by the late administration. Granted. But has that obstructed the measures of the government? Has it impeded the administration of public affairs, or in any one instance embarrassed the functions of the executive? Yet, suppose this power of creating peers to be prejudicial; suppose that, by its exercise or its abuse, it might become injurious to the interests of the state, what is the remedy? To limit the power? Certainly not, but to withdraw it altogether, to secure the state from the danger, by taking away from the executive the power of abuse, to abolish the prerogative at once, and not to withhold it one year from the Regent, and then let it loose, use and abuse, next year to himself or his successors. The case of the creation of a number of peers at once, in the reign of queen Anne, has also been adverted to, for the purpose of shewing that the abuse of this prerogative might be carried to an extent, that would amount to a controul upon the proceedings of the legislature. But, to give validity to the inference drawn from this case, it must be shewn, that the abuse of the power, in that instance, had either impeded or embarrassed the functions of the government. Certainly it cannot be denied, that the danger and mischief of such an abuse would be as great under a reigning sovereign as under a Regent, and though it is fair to argue from the abuse to the correction, it is as false in logic as it is unfair in argument to reason from the use to the abuse.

It is my opinion, Sir, that, generally speaking, the influence of the crown ought rather to be diminished than increased; but still I am an enemy to any curtailment of the just influence and necessary authority of the executive at this period. The proposition of the right hon. gent. respecting the disposal of the Household appears to me to be calculated to do this. If the Household be withheld from the Regent, he will not only be deprived of a certain proportion of influence constitutionally belonging to the executive exclusively, but that influence will be thrown into other hands. By acceding to this arrangement you will create a new political power, to keep up a continued rivalry and contest with the government of the Regent; you will in effect create two Regents; a Regent of administration and a Regent of opposition. (Hear! hear!) I beg pardon; I mean no improper or offensive insinuation; I feel all that respect and veneration for her Majesty which are so justly due to her exemplary character and conspicuous virtues; but I must strenuously protest against the enactment of a bad law, on the chance of its correction by a good queen. If the controul and patronage of the Household be intrusted to any other hands than the Regent's, it is not unfair to conclude that this influence will be exercised in opposition to his measures and government. Now if the council to be assigned to the Queen be not of the council of the Regent, it must be clear, that it will form a host independent of the Regent's government, ready to thwart all its measures, and adding to the strength of any opposition that may be formed against it. To the proposed plan, therefore, I most decidedly object for that reason; but no less so for this other; that the complexion you will thus give to the character of the Regent, and the impression it must make upon the public mind, will have an injurious effect upon his future government, when by course of nature he will have to succeed his royal father upon the throne. If, by any parsimonious restriction of the royal prerogatives, you disable him from executing the duties of the executive with credit to himself or with benefit to the public, you will induce the people to suppose, that, as you suspect he would not be a good Regent, he must make a bad King. Is this then the treatment, which the Regent is intitled to expect at our hands? Does it become parliament to address the Regent in this language? "We give you the prerogative of making war or peace; we invest you with authority to dispense justice to the subjects of this realm; we intrust to you every power of the executive, which in its exercise can render your government unpopular or odious; but we do not think proper to invest you with any of the gracious and conciliatory prerogatives of the crown, and moreover set up a new political power in the state to thwart and oppose all your measures, and therefore we call upon you to take the administration of the government with such mutilated powers upon yourself, and to exert your best energies for the benefit and interests of the country." If parliament could act in this manner, it would reduce the country to the distressing and gloomy alternative of one king disabled by infirmity, or another king rendered odious by the effect of those restrictions.

For myself I feel no objection to the introduction of the King's name upon this occasion; it is actually impossible to avoid it. We are called upon to supply a deficiency created by his infirmity, and cannot possibly discuss the means of doing that without referring to the cause. I am as well disposed as any hon. member to pay every deference to the feelings of his Majesty; but what are the feelings which the provisions of this Bill and the arguments of the right hon. gentlemen opposite ascribe to him? Are they not feelings derogatory from his known character, and disgraceful to one in his exalted station? Thus the sacred name of the King has been treated with disrespect and insult—by imputing to him anxieties not for the public welfare but for his individual gratification—by representing him as awaking from what has been called "the trance of reason," as inquisitive, not as to the situation of Europe but as to the state of his Household—not as to the fate of England but as to the condition of his establishment—alive rather to the nomination of his servants than to the calamities of his country—and demanding not an account of his ministers' measures but a list of his Household domestics. Thus, not content with calumniating the Sovereign's mind by supposing it filled with such unroyal notions, the right hon. gentlemen wish to make the very contemptible feelings they impute to his Majesty, the ground of our legislation. They first brand their King as unroyal, and then prove themselves unconstitutional. The best consolation of a sick King is the prosperity of his people. Parliament will abandon its duty, if it attends rather to the identity of the King's Household than to the competency of his government; and if such a mistaken view of what we owed to our Sovereign and our country shall influence the decision of this night, the Monarch will certainly on his recovery find himself surrounded by his old domestics, and possibly by the misfortunes of his country.

The *Master of the Rolls* observed, that on a question of such complicated interest and great importance, as that of supplying a temporary defect in the functions of the executive, it was not only natural that they should not be all agreed, but impossible, that great diversity of opinion must not prevail. In order to meet the emergency, to which the country was now reduced, it was the duty of parliament in the first instance to inquire, whether they should look to the theory and principles of our government for the rule of their conduct, or direct their attention to those precedents, which the history of that government would furnish as analogous and applicable to such emergencies as the present. For his own part he was not disposed to value precedents upon any principle of proportion to their antiquity, or from any blind credulity in the superior wisdom of former ages. But when he found a precedent in existence, not only analogous in all its circumstances, but applicable in its general principle and character, he could not easily be brought to abandon the course it pointed out. A sort of light was derived from the experience and example of such a precedent on particular occasions of difficulty and embarrassment, which was calculated to remove in some measure that difficulty and obscurity, which always attend cases where men were left to the mere assistance of their own reason, and exposed to the influence of their passions. Principles when once established ought not to be hastily obliterated. Had ministers come down to the House with a proposition, formed without any reference to the course pursued in former emergencies of the same nature, it would have been incumbent on them not only to shew the propriety and expediency of their measure, but to shew also in what it differed from, and was superior to, such as had been adopted before. What a serious responsibility would they not then have incurred. Precedent ought then, in a general sense, to be the basis of any proposition that should have been submitted. The precedent of 1788, to which the present proceeding was particularly referred, had been fairly treated by only one right hon. gent. His right hon. friend, (Mr. Canning) who had displayed on this question all that ability, ingenuity, and eloquence, which so eminently distinguished him, had alone, of all those who opposed the proposition of his right hon. friend (the Chancellor of the Exchequer) taken a just view of the precedent upon which his right hon. friend had founded his proposition. His right hon. friend, wishing to get rid of the precedent of 1788, fairly stated his reasons, without attacking, as others had done, the principles and conduct of those, who had established it. This mode of discussing the question he conceived much preferable to that, which was founded on abuse of ministers, and ascribed to them improper motives. He certainly for one entertained a great veneration for the illustrious person who conducted the great measure of 1788, and could not believe that he deliberately would ever have proposed, that the House should do what was not perfectly consonant to the constitution. He regarded the precedent of that period as perfect and decisive, for although it had not passed through all the forms in the other House, there was sufficient evidence to demonstrate that the only cause of that was his Majesty's recovery. Objections equally valid might be raised against other precedents to which constant and undoubted reference was regularly made. As far as he could be influenced by considerations of respect and attachment to the persons who framed the proceedings of 1788, he set a very high value on that precedent. He felt the highest admiration for the virtues and talents of those persons, though he must allow that neither they nor any created being could be superior to the lot of error. To assert the contrary would be to make them more than men; but he was confident, that, if they had fallen into error it must have been unintentionally. But whatever other error might be laid to the charge of the proposers of the proceedings in 1788, he did not think the crime of wishing to preserve their own influence and offices could be with any colour of justice charged upon them.

In examining the precedent of 1788, gentlemen must perceive that, though the transaction was literally unfinished, yet the bill had not undergone any material alterations in the House of Lords, to affect its principle. If the necessity, therefore, for the measure, had unfortunately continued, there was sufficient evidence to warrant a presumption, that in principle at least it would have been carried into effect, and with such a presumption in its support, the House was bound to consider the precedent as complete. In the case of the Revolution the intention and principles, upon which parliament acted, were fully and explicitly declared, so that if any similar emergency had arisen for supplying the vacancy of the throne, they should have been relieved from the necessity of answering the theoretical arguments used now, by the practical illustration which then would have been evident. However, as the present emergency was not similar, it was unnecessary to recur to the Revolution. They had, in the present case, only to provide for the temporary supply of the royal functions, and in the precedent of 1788 could find the only analogous case. By that precedent, therefore, he must contend, they ought to regulate their proceedings, and it was incumbent on those, who denied this position, to shew, either that the precedent itself was wrong, or that they were not now in a condition to follow it. For his own part he had conceived that this question had been completely exhausted in 1788, but a principle of a very novel nature had been lately introduced by an hon. and learned gent. (Mr. Leach) which gave a new aspect and turn to the subject. What would have been the expression of that eminent person, (Mr. Fox's) surprize, who contended for the right of the two Houses to adjudicate the claim of the Prince, had he heard what had been lately advanced. It was now made a question, not whether the House was competent to confer all the prerogatives, but whether it could withhold any branch of the prerogative under the present circumstances. It had likewise been contended that the Regent's authority must legally be co-equal to the King's—a position which he could not acknowledge as warranted by, or conformable to, any of the inferences that could be drawn from the practice of our ancestors. The rule hitherto observed, had been to suit the provision to the exigency, and it had never been before held, that any rights were unconstitutionally either assumed or abridged in so doing. The new doctrine, however, went farther than that in 1788, which had been generally considered to go far enough, and allowed to the two Houses nothing more than the power of designating the Regent, without any capacity of appointing or restraining him. It made it impossible to consider the question in the view of expediency. Yet expediency was a principle on which he conceived the decision of the House ought to be placed. He would grant no more than it should appear to him expedient to grant. The House were bound to act, in case of exigency, certainly according to the best of their discretion.—The question of competency and of incompetency, for the reasons he had stated, very naturally abridged the powers of the House on the question of right. What was the present proposition? It allowed that the person possessing the prerogatives was entitled to retain them; consequently the House had no right to deliberate upon it.

The cases of a King and of a Regent were intirely different. The law and the constitution pointed out what a King should be in respect to power, beyond that the House could not go. It did not belong to them to say what the Kingly functions are. So it was at the period of the Revolution, when parliament declared that the Prince and Princess of Orange should be King and Queen; the parliament then did not attempt to define what the rights of the monarch should be—the law had settled that point. Before gentlemen could contend that it was necessary to vest powers in the Regent, they should show that the office was ascertained, fixed or defined. Unless they could, there was an end of the argument. The office of Regent never originally had existence in this country; it was borrowed from France and from Scotland. In England the absence of the executive authority was supplied by Protectors. In the infancy of one of the monarchs (Richard II.) the Regency was composed of a council, the Protector being the head of that council. It must be clear, therefore, that the definition of the office of Protector was better ascertained than that of Regent. Indeed so little was the latter office known, that in the 6th of Henry the sixth, Humphrey, Duke of Gloucester, sent to the House to know what his functions were. The House of Lords in answer replied, that "they knew of none," and yet he was appointed by act of parliament. The precedents which had been adduced in support of the grant of full powers to the Regent were not founded on any rule of law, so that parliament could interfere. They possessed merely a discretionary power, and nothing but the necessity of the case could authorise the use of that discretion. If his Majesty should recover in eight days, there could be no difficulty in dropping the proceedings which would be no longer necessary. The two Houses of Parliament had already concurred in two adjournments, while the royal functions were suspended, and even if any inconvenience had resulted to the public service, from these functions having been suffered to remain dormant so long, such inconvenience was not equivalent to that which might have resulted from the adoption of premature proceedings. Nothing but a sense of what they owed the country should make them act at all; and if it could be clearly shewn, that the public was not directly interested in the immediate exercise of any particular prerogative of the crown under the present circumstances, such prerogative might without detriment or danger be suffered to remain for a time dormant.

Having said thus much upon this point, he came next to consider the various precedents of a remote as well as of a later period, which had been referred to, and so mainly relied on by the hon. and learned gent. opposite (Mr. Leach) on a former night. The former, those of Philip and Mary, and of the act of succession in the reign of Queen Anne, could not be brought to bear on the question then under consideration. It would be needless for him therefore to take up the time of the House by commenting upon them. But the latter precedents, those of 1751 and 1765, in the reign of George the 2nd and of his present Majesty, negatived directly the argument founded upon them by his hon. and learned friend (Mr. Leach) because neither was a case of unrestricted Regency. Indeed the restrictions then imposed, were evidently calculated to enfeeble and cripple the government, and to such restrictions, he should not be disposed to agree. There was no comparison, therefore, between the cases; the Regent appointed under those acts had hardly any of the functions of royalty, while the royal person, the object of the present measure, had the whole but two.—The council of Regency, under those acts, bore no resemblance to the council of the 6th of Henry the sixth. The acts of 1751 and 1765 contained no such provisions as were brought forward in this measure; for it was provided that the Regent may act like a King, but with certain exceptions, limitations, and restrictions. These words however were quarrelled with, and it had been contended that this was a species of incongruity though copied from the former act of parliament. Our Regent has the power of appointing ministers, but in 1751 and 1765, the Regent had no such power, and by the act of George the second, seven out of ten of the Regent's officers of state were to be ministers of the King, and could only be dismissed by a majority of the council.——This was putting monarchy itself in abeyance. By the acts of 1751 and 1765, and also in that of Queen Anne, the Regent could not withhold his assent from acts of parliament. The prerogative when thus fettered must have been extremely weak, and wholly inefficient to the purposes of a vigorous government.—The quantum of power depended upon the degree of expediency, as to whether it should be given, or be withheld. It appeared to him that there was more objection to granting than to withholding the whole powers of the functions of the government. Shew there is a power necessary, and it ought to be given, point out the danger of its being abused, and it ought to be withheld. *Prima facie* it appeared that the powers of sovereignty are not more than are sufficient for the government of the country; and if that be admitted, it is incumbent on whose who maintain it to shew why certain functions are withheld. It was not his opinion that any should be withheld from an apprehension, that, if given, they might be used to prevent the King from resuming his authority; but that from the manner in which they might possibly be exercised, they should tend to embarrass his government after his resumption. It was their duty to restrict the Regent, that the King may not be restricted. It would be idle to appoint a Regent, and not limit him. In the case of a King there was a security against the abuse of power, which cannot exist in the case of a Regent.—The government of a King is for life; nor can he be tempted to abuse his power, from any consideration of his interest being different at one time from another. The King can never wish to weaken his power, because he holds it for life; but a Regent may soon be reduced to the rank of a subject, and, therefore, may use the powers with which he may be invested, so as to strengthen his own means of opposing the government that would supersede him. The danger to be apprehended was in that respect. Why was it judged expedient to repose greater confidence in the Prince of Wales than in any other Regent? He did not mean to make this observation in an invidious way, for no man who knew his Royal Highness would suspect that the confidence reposed would be abused. But it was a fair ground of objection for granting unlimited powers to a Regent, generally because it was impossible that the nation could have that security from a Regent as they would have from a King, the Regent being only a temporary possessor, and the monarch holding the office for life. A King never could designedly make any provision at the end of his government for enfeebling it. The contrary might be the case with a Regent; though he was perfectly ready to allow, that there was a most material distinction to be made between a Regent being the heir apparent to the crown, and a Regent who had no chance whatever of succeeding to the crown. In the former case the argument for limitations was greatly weakened; but in all discussions upon this subject, their views ought to be guided by general principles alone. The character or personal qualities of the individual to be appointed Regent should have no influence upon their deliberations. These arguments would apply generally, and not with reference to any Prince of Wales. It was an unfair suggestion to say, that those who supported and proposed the restriction, were disposed to study how to give insults to the Prince of Wales. Was he to be supposed less attached to that royal person, who, he was ready to admit, was eminently qualified for the Regency, because he stated his opinion that it would be inexpedient to vest in him for the present too much of the royal authority? So high was the opinion which he entertained of that royal person, that he was convinced his royal highness would not think the worse of any person for having delivered his sentiments upon the question freely and without reserve; and though his opinion might tend to provide for a diminution of his own personal powers, nothing personally offensive could be supposed to be intended.

He was aware that it might be asked how he could reconcile it to himself to consent to an unrestricted Regency at the end of a year, and contend for the limitations in the present instance? To this he should answer, that at the end of that period, there would be a combined reason for conferring upon the Regent all the powers of the government—from the danger of their abuse being diminished and from the inconvenience from their suspension being augmented. Supposing that the illness of his Majesty should continue, the restrictions should then be discontinued. It might so happen that the recovery, from the long duration of the malady, might be doubtful. Besides, it would be the interest of the Regent to act as if he were the sovereign—he would in fact have no interest distinct from that of the sovereign, and consequently no danger could be apprehended upon the whole. The right hon. and learned gent. contended, therefore, that he was justified in supporting the precedent of 1788 for the reasons stated, and should give his vote for the Resolutions as they now stood. [Loud cries of hear! hear!]

Mr. *Sheridan* then rose and spoke to the following effect:—I entirely agree, Sir, with those members, who have by their cheers marked their approbation of the speech of the right hon. and learned gent., who has favoured us with the result of his profound learning and deep research in the elaborate argument we have just heard upon the law of the case under consideration; and should not have ventured to follow that right hon. and learned gent. in the debate, if technical subtleties and legal information were at all necessary for the discussion of the present question. It appears to me clear, that this is a question, which requires only a general knowledge of the principles and practice of the constitution, and some particular acquaintance, perhaps, with the circumstances, which took place during the period of 1788, in order to enable any hon. member to come to a sound and a just decision upon it. I trust, therefore, when I have declared this to be the conviction of my mind, that it will not be considered presumptuous in me to rise after the hon. and learned gent. and offer to the House my sentiments upon the question now before us. I most heartily concur with the right hon. and learned gent. in the opinion, that the Prince of Wales will not think the worse of any hon. member for delivering his real sentiments in this House upon the present question. I am sure that, when he attributes that feeling to his royal highness, he does him but justice.—I shall go farther, however, and say, that, if any man could take umbrage at what may be uttered by members of this House in the discharge of what they conceive to be their duty, that man would not be a fit person to be Regent. (Hear! hear!) But when the right hon. and learned gent. pays this just compliment to the Prince of Wales, I must beg leave to pay a similar compliment to the King. I say, then, that it is a gross abuse—a foul calumny in any person to suppose, that the King, on his recovery from his malady, will or can think of catechising the members of this or of the other House of Parliament for what they may, in the execution of their duty, think it right to say or to do on the present occasion. I am convinced that his Majesty, whenever it shall please Providence to restore him to health, will furnish fresh proofs of his paternal solicitude for the welfare and happiness of his people, and consider only the efficiency of the measures we shall adopt in the existing exigency, without any reference whatever to the freedom with which we feel it our duty to discuss them.

Having now heard the speech of the right hon. and learned gent., I think I may well suppose, that the House has heard all that in law or in argument can be possibly urged in support of the measure proposed for our adoption. When the learned gent. behind me (Mr. Leach) delivered on a former night the very able speech, which has been so justly said to be unanswered, and for this obvious reason, because it is unanswerable, no one of the learned gentlemen opposite dared to reply—they sat in a "deathlike silence and a "dread repose." Now, however, that the righthon. and learned gent. has at length after a decent pause come forward, I presume we may safely conclude that we have heard from the mouth of that organ all the arguments, that can be urged against that able, profound, and unanswerable speech.

We have heard a great deal, Sir, in the course of these discussions of the necessity, that we should, in the measures now to be adopted, follow implicitly the precedent of 1788. We have been told, too, in the language of praise and unqualified panegyric, of the great talents, the conspicuous virtues, and the eminent abilities of those, who had the merit of having proposed and prosecuted the measures adopted at that period. But, whilst the right hon. gentlemen opposite dwell with such emphasis upon this theme of their admiration, it is but fair for them to allow us, who differ from them upon these topics, to bestow with equal sincerity and no less zeal the tribute of our applause upon those, who opposed the measures of 1788; it is but justice in them to admit, that those who opposed, were actuated by as fair and honest and honourable motives as those, who either proposed or supported those measures. So far, therefore, as authority, derived from the personal character or constitutional knowledge of the individuals concerned in the parliamentary proceedings of that period, can be brought to bear upon the question now at issue, I must contend, that we stand on as high ground as the right hon. gentlemen opposite, and can appeal with no less confidence, I think with more advantage to the opinions and votes of those distinguished patriots and statesmen who ranged themselves against the precedent of that day. In their zeal, however, to exalt the precedent of 1788, the right hon. gentlemen would have us overlook altogether that great landmark of our rights and of the constitution, the Revolution of 1688. The circumstances under which the Revolution took place have, it is said, no resemblance, and consequently the precedent of that great and glorious event has no reference or application, to the situation and circumstances of the present period. The hon. gentlemen opposite argue that, at the Revolution, the country was without a monarch, and that the right and the duty to supply that deficiency had then constitutionally devolved upon the Convention. But say they, the case is now different; we have a living Monarch—there is no vacancy of the throne to be filled up—but as the King, unfortunately for the country, is for the present by his malady rendered incapable of personally exercising his royal functions, all that the two Houses are bound to do, is to make adequate provision for the performance of the regal functions, during the temporary incapacity of the Sovereign. In support of this reasoning gentlemen add, that at the Revolution the members of the Convention were at liberty to consider whether it might not be better to abolish the monarchy altogether, a privilege and a power which could not be assumed by parliament in this instance. I am very ready to admit that the Convention might have said that they had power to consider of the absolute abolition of monarchy, but they might also have thought it to be within their discretion whether they should do any thing at all. (Hear! hear!) But is it that you have been doing? What the Convention with the power of accomplishing never thought of, you without occasion or necessity are actually now doing. You are in truth, and have all along been doing nothing of what you ought to do, and on the contrary are doing every thing that you ought not to do. You are, in fact, doing every thing in your power completely to abolish the monarchy.

I applaud the motives by which the gentlemen opposite profess to be actuated on this occasion. I respect the wishes, that we should most studiously avoid doing any acts which might have a tendency to obstruct or retard the happy event of the King's recovery. I do not, however, in doing justice to their feelings, believe that any measures, which this House in its wisdom may think it right to adopt in the present emergency, will have any such tendency. I must contend, that to express such an opinion in this House for the purpose of influencing its decision, is highly improper and unparliamentary. I may then well ask those hon. gentlemen who make use of such disorderly allusions, why will you force me to do that, which you have no right to compel or expect me to do, from ideal motives of delicacy towards the Sovereign, and which, were we to suppose them well grounded, would amount to the most severe censure upon the head and heart of his Majesty.

But, Sir, we are told by the hon. and learned gent. opposite that the emergency of 1788 was exactly similar to that, in which we are now unfortunately situated. This I must beg leave to deny—the two cases are widely different—insomuch that, it is my firm conviction that if the great leader, who carried through the measures of 1788, were now alive, so far from proposing, he would actually vote against, the Restrictions, which in the former instance he thought it right to impose, (Hear! hear!) One of the learned gentlemen opposite, but I must beg pardon for employing this appellation, as they seem to disdain the title of learned, and are more anxious to be considered as ministers than as lawyers—one of these learned gentlemen, (Mr. Secretary Ryder) has thought proper to prop up his case, by quoting a book written by a noble friend of mine, now a member of the other House, though on the former occasion a member of this House. But I deny that the book of my noble friend has been fairly cited—I deny that he ever wrote such a book as that imputed to him, or containing arguments such as those quoted from it by the learned gentleman. Little did my noble friend (lord Grenville) think when writing his book in 1788, that it was to be quoted in such a manner and for such a purpose in 1811. In fact, the whole arguments of all the right hon. and learned gentlemen opposite, may be briefly summed up, the precedent of 1788—the whole precedent of 1788—and nothing but the precedent of 1788. The whole burden of the song amounts to that and no more. I do not mean to cast any reflection upon the conduct or memory of the great proposer of that precedent, for I will allow he was a great man; but without intending any disrespect towards him, I may venture to say, that if ever there was any precedent on your journals, which disgraced this House, it is that precedent, (hear! hear! hear!) This is not a time for empty compliment or cautious management of terms—the emergency is urgent, and it is our duty to speak out. I say then, Sir, that this precedent is a disgrace to our journals; it was established in a period of violent party feuds and political animosities, it was discussed in all its stages with an intemperance and heat which far exceeded the factious violence of former periods, nor were the heat and violence confined to either side of the House; they were equally manifested by both sides, so that the times, and the circumstances of these shameful proceedings are not fit to be now referred to or remembered. If I wished to illustrate the improper length to which the heat, and intemperate violence of that period were carried, I need only bring to the recollection of the House the language which was used by Mr. Burke in his place on that occasion—language, which must be fresh in the recollection of members, but what it is not now my intention to insult the House by repeating. Some opinion may be formed by those, who are not familiar with the proceedings of that day, of the excess to which intemperance and indecency of language was carried, when I state that a right hon. gent. a member of this House (Mr. Pitt) had the hardihood to get up in his place and assert "that the Prince of Wales had no more right to the Regency at that time than any other British subject." The bare statement of such a declaration is fully sufficient to demonstrate the factious spirit and party feelings of the times. If a bill had been then brought in true to the principle of that assertion, the preamble must necessarily have run thus, "Whereas every subject of this realm has as much right to be Regent as the Prince of Wales, be it therefore enacted, &c."

I need say nothing now of the gross abuse, which was in every way heaped upon the Prince of Wales throughout the whole of that disgraceful transaction, or of the indecent and undisguised provocations which he had uniformly received. The House must have in its recollection the manner in which that illustrious person had been offensively held up to the nation as a person not fit to be trusted. It was even, then, not insinuated but asserted, that he was at the head of a faction, and motives were most unblushingly ascribed to him of a base, illiberal, and ungenerous nature. From all these circumstances, and many more which could be mentioned, I am clearly of opinion that the precedent of 1788 in no degree applies to the present emergency. But laying aside every other consideration, there is in the bill itself fully enough to shew that no reliance ought to be placed upon it. The bill of that period is an insult upon the understanding of the House—there is not a word of truth in it from the beginning to the end—it is all an imposition—a fraud, a humbug. I had the honour, or rather the dishonour of being appointed a member of the committee to search for precedents on that occasion, of which the hon. representative of Yorkshire was also a member, and I believe, we are the only two now living, who served upon that Committee, at least the only members of it who attended the Committee recently appointed for the same purpose. The only cases we could find in print, were the precedents of the Restoration, and the Revolution. We entered on our duty on the 10th of December, and made our report on the 12th, having terminated our labours in two days. We met, no doubt, many precedents on the journals, in bad Latin and bad French, but none similar or analogous, but the two great cases I have just mentioned, and having reported these precedents without lengthened detail to the House, as they were to be found at large on the Journals, we added that we discovered none others applicable to that emergency, so that if they wanted other precedents they must look for them themselves, (a laugh.)

But, Sir, the more I contemplate all the circumstances of the transaction in 1788, the more I feel inclined, I may add, bound to declare my utter disapprobation of the whole course and character of the proceedings then adopted. At that period we not only violated the constitution, but so far as depended upon us gave our sanction to a measure, which had a direct tendency to overthrow the monarchy; for we suffered a Bill to pass this House with this monstrous provision enacted in it, That the Regent should never create a peer during the whole period, however indefinite, of his Regency. By operation of such a bill, if it had not fortunately been arrested in its progress by the happy recovery of his Majesty, the whole power of the constitution would have been placed in the hands of the House of Lords; and Mr. Pitt, who had himself made, I believe 100 of the peers of that day, would naturally receive support from them, in return, and consequently draw to himself all the unconstitutional power and preponderance, which he proposed by such a provision to give to the House of Lords. Is not this a notorious, a disgraceful instance of the party heat and factious intemperance, and gross lust of power, which disgraced the proceedings of that period? But that is not all; here is another instance equally unconstitutional and factious. The Queen was to have a council to consist of eight persons to assist in the care and custody of his Majesty's person, and the four persons named of this council in the bill were John, lord archbishop of Canterbury; Edward, lord Thurlow; William, lord archbishop of York, and Lloyd, lord Kenyon, to whom were to be added four officers of the Household. One would have thought, that if either of the four persons expressly named in the bill were to die, the person whom the Prince might think it right to appoint as his successor, should in virtue of his office become also one of the Queen's council. But no such thing. The Queen, and the Queen only, was to have the nomination, upon every such vacancy, of the members of her council. Why, Sir, it would be endless to go through all the gross and monstrous violations of the fundamental principles of the constitution which were embodied and enacted in this bill; it is difficult to decide, whether its infringements upon the constitution or the indecency of the insults it contained towards the illustrious person, who was to be Regent, were more reprehensible; the whole bill was made up of one uniform tissue of provisions designed by its framers to disgrace the Prince of Wales and to vilify and degrade him in the eyes of the nation (Hear! hear!) What, I ask, was the obvious import of the Restrictions, that persons appointed by the Regent to the official situations of the counsellors to the Queen designated by name in the bill, should not also succeed as counsellors to her Majesty? Does it not speak intelligibly its meaning? What does it say but, "We know that you will appoint, in case of vacancies, unfit and and improper persons to succeed to the offices of archbishops of York or Canterbury, of lord chancellor and lord chief justice of the King's Bench? We shall therefore provide, that, though you may by such appointment degrade these high offices, the council of the Queen shall not be composed of persons unfit to be placed in that important and delicate trust." The whole was the offspring of political intrigue and party feeling, and it is only necessary to read any one of the provisions of that famous bill to be convinced of the factious rancour and animosity which governed all parties during the proceeding of that period.

It is attempted, I perceive, to establish the authority of this precedent, or rather no precedent, of 1788, under the sanction of his Majesty's approbation subsequently expressed on his restoration to the full possession of his faculties and to his throne in the year 1789. Let us then examine the strength of this position. Let us just consider how far the expression of such approbation can have the effect by direct or retrospective operation, of giving to the proceedings the force and authority of a precedent. The speech conveying that approbation of his Majesty was either the speech of his ministers, or declared the individual and personal opinion of his Majesty. If it conveyed only the personal sentiments of his Majesty, it is, I must contend, most unconstitutional in any man to quote it in this House; and if on the other hand it is to be considered as the speech of the ministers, what construction or interpretation can it bear but that it was a declaration of their own approval of their own acts (Hear! hear!) I feel it more particularly necessary to advert to this point because I find it to be that upon which the right hon. gent. opposite (the Chancellor of the Exchequer) has laid his main stress in his Answer to the Princes of the Blood;' an Answer without any great characteristic; unless one were to notice the little spirit of peevishness in which it is dictated, combined with the indecent attempt to divide the royal family, at the same moment when he and his colleagues were meditating a division of the royal authority. But to recur to the proceedings of 1788-9: the hon. member for Yorkshire (Mr. Wilberforce) has thought proper to assert, that, however parties may have differed on that occasion as to the means of accomplishing their common object, it was his conviction, and he was sure the conviction of all those who supported the proceedings of that time, that their opponents were actuated by sincere motives of loyalty and duty, though in the unbiassed exercise of their own judgments they could not concur in their views or adopt their suggestions. Does that hon. member then not recollect the events, which succeeded the recovery of his Majesty at that period? Does he not recollect the dismissals, the exclusions, and removals, which with rancorous severity and unrelenting vengeance pursued the opposition of any individual in office who may have voted against the minister and according to his conscience on that great public question? If the ministers and their supporters were disposed to give credit for sincerity to those who opposed them, why visit with such rigour what they themselves allowed to be a conscientious discharge of duty? Do they mean, then, to attribute these instances of political persecution also to their Sovereign? Will they dare to say, that that mild and paternal Sovereign, whose character has ever been so eminently conspicuous for piety and benignity, was on his restoration by the will of Heaven to his reason and his throne, not employed in offering up to his God his most grateful acknowledgments for his divine favours, but eager and anxious to furnish these vindictive proofs of displeasure with which the happy event of his recovery was succeeded? Such an imputation, if any man durst venture to throw it out, would be as false, as brutal and disloyal, and yet I must admit that, false, brutal and disloyal as it would be, it would rest upon the same ground as the argument that makes his Majesty responsible for the speech of his ministers.

I do not, at present, feel it necessary to go more at large into the question under consideration, having thus disposed of the precedent of 1788—indeed little else remains to be answered; for all the arguments which we have hitherto heard from the gentlemen opposite, refer intirely and exclusively to the proceedings of 1788-9; they are in fact only a renewal of the phantoms of lord Thurlow, supported by the ghost of Mr. Pitt, (hear! hear!) When we come, however, to that stage of this proceeding, in which the authority of this House is, by a curious and unconstitutional fiction, to be further sanctioned by the application of the Great Seal, I shall then, I trust, be able to make one bold struggle on behalf of the constitution. I cannot omit noticing here, an observation, of rather an extraordinary nature, which fell from the noble lord under the gallery (lord Castlereagh) in explaining the view he entertained upon this subject. The noble lord has declared his readiness to entrust to the Regent the appointment to all the great offices of the household, and yet by a versatility not easy to be reconciled to any notions of consistency or principle the noble lord thinks it highly proper, that the Regent should be restricted in the power of creating peers. It is for the noble lord to explain this apparent contradiction; though it may reasonably be supposed that on this as on other occasions, the noble lord may wish to have two strings to his bow (hear! hear!) Were I, says the noble lord, appointed regent, (an event, by the by, not very probable, though the possibility of such an occurrence must no doubt have been first suggested by the remarkable declaration of Mr. Pitt in 1788, "that the Prince has no better right to be Regent than any other subject"—a declaration, which, however, has not yet produced another candidate.) Were I, says the noble lord, the regent, or the minister of the regent, I should feel highly delighted at being incapacitated by parliament for the performance of any executive function, the exercise of which might possibly be productive of much discord and ill will between me and the parliament. Now I will only ask in what political school that noble lord has been instructed? Does he then know the principle upon which this, his reasoning, is founded? Is he aware of the extent, the monstrous extent to which that principle and the argument derived from it may be pushed? Why, Sir, the principle goes directly, and inevitably, if carried as far as in fair reasoning it may be carried, to the utter extinction, in the hands of the Regent, of all and every of the functions of the kingly office. How can we be sure that the exercise of any other of the royal functions may not have the effect apprehended by the noble lord? And then upon the noble lord's principle, it would be an act of favour to the Regent, to take from him the trouble of attending to the interests of religion, by appointing bishops or archbishops—to the interests and security of the state, in the exercise of his judgment relative to the important questions of peace or war, or to the interests of the army and navy by a vigilant controul over the conduct of their respective commanders, and a liberal remuneration of great and splendid services; it would in fact be a most admirable contrivance of the noble lord to place his royal highness the Prince of Wales, during his regency, upon that noble lord's own peculiar bed of roses, (a loud laugh.)

An observation, Sir, not quite so curious, but fully as unconstitutional, has fallen from an hon. and learned gent. on the other side (Mr. Stephen) to which I beg to call the attention of the House in passing. That hon. and learned gent. has stated it to be his opinion, that the several successive contentions in which we have been in later times engaged, have so disgraced us in the estimation of the public, that if it were not for the personal virtues of the monarch upon the throne, the character of the nation must have irretrievably fallen together with every thing venerable and sacred in the state. I am, indeed, most ready to acknowledge, and to acknowledge too with pain, that public opinion is neither strongly inclined, nor partial to either side of this House, and I should consider this a most deplorable calamity, a crying grievance, if I could bring myself to look upon it as incapable of remedy. I should truly repine, and give up the situation of the country as desperate, if I did not feel, that the apathy and indifference of the public at large, towards public men, is justly to be ascribed to a very natural but still not irremediable cause; to the non-performance of the great pledges so often and so solemnly made to the people; to the temporary postponement of those plans of reform and improvement which those pledges had induced them to expect. The late administration acted perhaps too inconsiderately, upon the conviction, that the principles, which they constantly professed—which they uniformly and steadily maintained, and which they were still conscious that they not only cherished, but that no change of circumstances could shake, fully entitled them to the confidence and support of the public. This was a conviction, which their own bosoms told them they had a right to entertain, though unfortunately the circumstances which, while they were in power, interfered with the redemption of their pledges, and the accomplishment of those measures which the public expected at their hands, but too effectually weakened the bonds of attachment, which endeared them to the affections of the great majority of the nation (loud cries of hear! hear! hear! from the ministerial benches.) The right hon. gentlemen opposite may, if they see fit, indulge in all the exultation to be derived from their momentary security—from that miserable and degrading security, which with no title to support, a confidence springing from themselves, has hitherto continued them in place, only because from the lamentable diminution of public confidence in public men, there has not yet been an animated cry raised and re-echoed throughout the nation for the recal and re-establishment of their predecessors in the administration of public affairs. I repeat that the late administration acted upon the conviction of having deserved, and continued to enjoy the support of the country, and, if they did not at once proceed to the adoption of the great public measures which they had so uniformly and zealously represented as essential to the best interests of the state, that it was not because their opinion respecting those measures had undergone any change, but because their characters and their known principles were, they thought, sufficient fully to secure them from even a shadow of suspicion of apostacy, even during the temporary suspension of their patriotic efforts in the cause of amelioration and reform. The right hon. gentlemen on the contrary, whom I now see before me, are so conscious of the want of any such claim to public confidence and support, either from constitutional principles, or individual or collective talent, that I must do them the justice to admit, that they have had the modesty to abstain from the assumption or assertion of any such ground of preference in their favour.

However, Sir, to revert from this digression to the observation of the hon. and learned gent. opposite, (Mr. Stephen) I have no hesitation to pronounce it no less disorderly than unconstitutional. The private virtues of my sovereign I reverence and honour as highly and as sincerely as any man—his personal feelings and individual opinions, I value and respect—but for any hon. member to attempt to make them the great link and bond which connects and holds together the various branches of the legislature, is to libel both the sovereign and the constitution. When gentlemen indulge in such allusions, may I not as well be permitted to ask, has the Prince of Wales no virtues? Has he no feelings to be consulted, no opinions to be respected? Gentlemen answer, it is admitted he has—but we have no experience of him as a king—what then? why we must impose restrictions upon him—that is to say, we must, in order to ascertain whether he will make a good king, abridge those powers and deprive him of those prerogatives and capacities, by the wise and constitutional exercise of which alone he could prove to us what we want to ascertain, and dispense effectually the benefits of the constitutional sovereignty to the nation at large. We have all heard of the absurd determination of the man, who was greatly alarmed at the danger of being drowned if he should go into water, and who consequently resolved never to venture into that element, in which alone he could learn to swim, till he should know how to swim. Yet how much more absurd is the course proposed for our adoption? That was the case of an individual in which he might safely err without injury to any other person—we are a deliberative body whose acts must affect the interests of the whole nation. The individual may never learn to swim, and yet not receive any injury—but by withholding those powers, the exercise and application of which can alone afford proofs of what we want so much to ascertain, we shall be making an experiment pregnant with danger to the state, and which may possibly sink the monarchy and the constitution together. But, says the hon. and learned gent., before we can place the same confidence in the Regent as in his royal father, he must have reigned 50 years. Yet surely that hon. gent. cannot possibly mean, that the energies of the monarch can be fully displayed until the powers of the man shall have actually ceased? He cannot possibly suppose that the competence of man to the performance of arduous and complicated duties, is at all ages equally perfect and unimpaired. And this he must maintain when he makes half a century the test of his confidence in the government of a Sovereign. In truth, the scope and tendency and end of all those arguments appear to me to be to prove of what little value or necessity the kingly office is. It is, however, said in defence of these Restrictions that they must expire within a year. Is that, I will ask, the intention of the right hon. gent.? Are all those means by which, according to his mode of reasoning, the state and happiness of the afflicted Monarch are to be preserved; are all provisions intended for that purpose to lapse and vanish within the short period of twelve months? Is the beloved Sovereign, if his lamentable indisposition should so long continue, (which God forbid) to be then given up to the care of that individual person, against whom the most unfounded and unjust suspicions are now, by the very Restrictions of this act, raised and sanctioned? The fact is not so; and the right hon. gent. must be fully conscious of that. The Restrictions are, he knows, to continue for a year, and till six weeks after the commencement of the next session of parliament, to be then again subjected to the consideration of parliament, whether it shall think proper to renew the lease. But when the question shall then be brought forward, if unfortunately the continuance of the King's illness should render that necessary, is there any reason to expect, that then, any more than at present, any officers of the Household could feel themselves at liberty, however conscientiously convinced of the propriety of such a course, to oppose any proposition on the part of the right hon. gent. for a still further continuance of the Restrictions. The dismissals which followed in 1789 are the strongest proof of the manner in which opposition, by any of those officers of the Household at any future time, would be treated. They must feel that for restriction they must vote or resign their offices. What is this but to degrade the monarchy?—To have the representative of royalty from year to year catechized by parliament; to place in his hands the sceptre 'quamdiu se bene gesserit?'—(Hear! hear!)—Much more willingly would I accede to have the period of limitation extended to three years, and then altogether to cease, than subject the executive magistracy to such degrading conditions. This is the marked distinction between the plan now proposed and that of Mr. Pitt.—Even he would not have ventured to shackle the Regent with renewed considerations: and were it possible for that great man, (for great I will ever call him,) to revisit this life, what more degrading libel on his fame and character could he feel, than to see that what he, with his mighty talents and extensive influence, backed by the according sentiments of three-fourths of the people at that moment, would not have even ventured to propose, the pigmy gentlemen opposite have dared most pertinaciously to persevere in. (Hear! hear!)

I have a word or two, Sir, to address to the hon. member for Yorkshire, and in addressing myself to him I am ready to admit his own excuse for having been induced to rise upon the instantaneous feeling, with which he was animated by the allusion made to the character of his departed friend, (Mr. Pitt.) I can assure that hon. member, that I most sincerely applaud the zeal, and appreciate the warmth to which he was provoked, and though I at all times profess my disinclination to enter on any invidious comparison between the respective merits of those whose failings are consigned to the silence of the grave, I have however my claim to that species of panegyric which that hon. gent. has pronounced upon his departed friend. I may be allowed to do justice to the memory of him, whose amiability of mind both to attach friends and to appease enmities, was at all times admitted by that hon. gent. But I must own, that when he adverted to that great character, I could not expect from him such parsimony of praise; I did conclude that he who had, during his whole political life, made one measure (the Abolition of the Slave Trade) the very object of his soul, without which his conscience could never be at rest; on which he placed his happiness in this life, and rested his hopes of hereafter; I say, I did expect that he would have done at least justice to the memory of the statesman under whose auspices that great object was accomplished, and to the pure and disinterested consistency with which he uniformly advocated, and ultimately pressed and accomplished its adoption (Hear! hear!) No man, it was true, more eloquently arraigned the injustice of that disgraceful traffic, than that departed character, the theme of the hon. gent.'s (Mr. Wilberforce) full panegyric; but it was remarkable that on this point, he that could carry in this House every other thing, was sure to be defeated by the suggestions of Mr. Secretary Gradual (lord Melville.—Hear! hear!) But what my departed friend (Mr. Fox) professed out of place, in power he supported. He would admit no compromise, but hazarded the security of his government to evince his sincerity of principle. It was he who retrieved the nation from that turpitude and deadly sin, which the hon. gent. (Mr. Wilberforce) conscientiously believed to affect every individual of a nation which admitted such a traffic; that which he thought to be the salvation of the empire, my friend accomplished; and if ever there was that man, in whose heart the memory of another should have been canonized with superior attachment, I should have thought it was the memory of Mr. Fox in the heart of that hon. gent. (Cries of hear! hear!)

But, Sir, to return to the question before us, there are two points, which I feel it impossible to overlook—the situation in which we are placed and the condition of the government. As to ourselves, I contend that we are at this moment no House of Commons, and that the men who dare to execute the functions of the government are guilty of usurpation. The very avowal that it was open to them to exercise such functions, even though the assertion be not carried into effect, is treasonable. It is an act of high treason in the men who dare make the proposition, and misprision of treason in this House patiently to listen to such doctrine (hear! hear!) They are a new directory, self-elected and self-constituted, upheld by nothing but their own forcible seizure of the attributes and prerogatives of the crown. There is no other distinction between them and the executive directory of France in the year 1795, except that the latter owed their appointment to the appearance at least of popular choice. It would, indeed, in this era of military expeditions, be some consolation to think that our directory could boast such a skilful engineer and war minister as the French had in Carnot. There is, however, one similitude, that, at the head of the French directory, as well as now of our own, there was a lawyer, of the name of Reubel (a laugh). And I recal this to the attention of the gentlemen opposite, that, when the day of serious account shall come, as come it must, the right hon. the Chancellor of the Exchequer, at a time when precedent passes for every thing, and common sense and the constitution for nothing, he might have the full advantage of the case and example of Reubel. (A laugh). As to our own condition, we seem to act under the impression that what the monarchy has lost has been divided amongst ourselves; whereas the royal power is so fundamentally interwoven with every other interest in the state, that by its even temporary interruption the life and power of parliament is paralyzed. We are now a sort of sheer hulk run adrift without either rudder, mast, or pilot. If this were your first session, what privileges could, in your present state, belong to you, demanded, as such privileges are in the first instance, from the crown? Have you committees of religion, justice, or privileges; measures which characterize your legislative existence? Do you print your votes? How, then can you assume the front and mien of a legislative body? The worthy baronet (sir F. Burdett) on a former occasion doubted your power to issue a writ for a vacant borough. In answer to his objection, it was stated that in the year 1789 writs after much deliberation were moved for and issued. But the fact was not so. A writ for Colchester was in the usual manner moved. The Speaker was the person who intimated the objection. The writ was granted; but what followed? The unsuccessful party presented a petition against the undue return. That petition you declared your inability to entertain. Where, then, I ask, is your power to issue such a writ, when you have not any competent authority to examine and decide whether the return to the writ be legal or not? In fact we are reduced to a most miserable and embarrassed situation, in which a regard for our own dignity, if no other consideration has power to influence us, ought to compel us not to lose an hour in taking the most prompt means to get rid of the difficulty.

But when we look to our foreign relations, can we see no difference in the prospect of the times at this moment, and when the miserable precedent of 1789 was introduced? What, I ask, is the object and argument and fixed determination of him who is now the Emperor of France, whose title it is folly to deny? What are the principles to which his policy gives utterance throughout the extensive range of his oppressive influence? That revolution which was to impart peace to cottages, and destruction to thrones, has ended in the establishment of more thrones, and the desolation of more cottages, than the afflicted world ever before witnessed (hear! hear!) Has he not declared the distant dynasties of Europe to be unsound and rotten, and professed his intention to accomplish their ultimate subversion? In spreading through the unhappy nations subjected to his will the horrors and hardships of his unfeeling despotism, of what powers of oppression does he avail himself? Are not his instruments kings, decked out in all the exterior trappings of royalty, but divested of all the means of grace, and benignity to win attachment, or to reconcile to privation? (Hear! hear! hear!) Warm as our sympathy must be, for the unhappy people subjected to his caprice, and sacrificed to the objects of his criminal ambition, it is impossible also not to feel for those unhappy persons who, temporarily raised to thrones and sceptres, have been disgraced and cashiered, for the abomination of exercising over their subjects, a more mitigated tyranny than his vile policy dictated. The executioners of his vengeance, he places them on a platform and calls that a throne. He puts a whip of scorpions in their hands, and calls that a sceptre. (Hear! hear!)" "See," said he to the ill-fated prince of Asturias, "the folly of being popular—behold the people of all nations panting for retribution—Kings they must and do hate." Shall I then by my vote this night, give currency to such doctrine? Shall this House furnish him with additional arguments in support of such principles, followed by an illustration of which he would not fail to take advantage? Will you allow to him the power of saying to the nations of the earth, "has not my opinion been well founded?—is it not human nature itself?" Can you doubt when you see Great Britain, notwithstanding its boasted excellence of constitution, greedily seize the first opportunity that has occurred, to curtail the legitimate powers of the sovereign, and in such an emergency to dismember almost the monarchy itself—(hear! hear!)? Shall I then, or will this House become the instrument of Napoleon, in furnishing him with illustration favourable to his detestable objects. It is a libel, false as hell, to describe such to be the feelings of the people of these realms, or to attribute to the Prince any qualities which, in the remotest degree, can warrant suspicion (hear! hear!) Whatever are my hopes and views of reform, I say now, as I have ever said, that we are struggling to preserve a condition of society far above that to which the other civilized nations of the world have attained. Is then this the moment to fetter or restrict the constitutional powers of him whom the public voice has unanimously called to preside over our destiny, during the unhappy indisposition of his sovereign and father? Shall we send him forth with a broken shield and half a spear to that contest, on the issue of which depends not alone the safety of Great Britain, but the preservation of the rights and happiness of mankind?—(When Mr. Sheridan sat down, the cries of hear! hear! continued for some moments.)

Mr. *Ellison* succeeded Mr. Sheridan, and spoke in favour of the adoption of the report, but from the frequent cries of question, and the general expression of impatience, it was impossible to collect the grounds of his opinion.

Mr. *Canning* rose, amidst loud calls for the question, and said:—Sir, I can assure the House, that after the indulgence which I have already received during the course of these discussions, it is not my intention to trespass at any length upon their attention on this night. I do not rise merely for the purpose of expressing again the sentiments, with which I have more than once had occasion to trouble them, or of declaring that I shall again vote in conformity with those sentiments. But I am anxious—I feel it due to myself—I deem it necessary for the explanation of my vote, and the justification of my conduct and motives, to protest against nine-tenths of the arguments, which have been urged on that side of the question which meets with my concurrence. My vote is governed by far other reasons than those which I have heard from the other side of the House.

If I am—as I decidedly am—of opinion, that it is not expedient to fetter the exercise of the royal prerogative in the hands, to which we are about to delegate the administration of it, by any of the restrictions which have been proposed to us, it is not because I disagree with my right hon. friends who have thought it their duty to prepare those restrictions, as to the undoubted right of this and the other House of Parliament to adopt that proposition, if it shall seem good and right to them so to do, and to couple the delegation, which it is their unquestionable province to make, with any conditions and limitations which they may think proper to annex to it. I agree on the contrary in by far the greater part of the able speech of my right hon. and learned friend, who sits beside me, (the Master of the Rolls)—in all that part of it, which went to establish the right of the two Houses to appoint a Regent, and to negative the existence of a right, or of any thing like a right in any person to claim that appointment at their hands—in all that went to prove the possession by the two Houses of a perfect and entire discretion to entrust, to the Regent of their own choice, such portion only of the executive power as they may think it necessary to entrust to him. But I differ from him wholly as to the practical application of these doctrines to the existing case;—as to the fit use to be made of our discretion upon the present exigency. I am for giving the executive power as free and unfettered as possible into the hands of the Regent, but not, because I think we have no right to withhold, not because I think he has any right to claim, the whole or any part of it, but simply because, in the full exercise of our right and our discretion, I think the exigency of the present times requires, that no material portion of the functions of executive government should be placed in a state of abeyance.

This is the practical question upon which the vote of this night is to decide. But surely to the decision of this question it was not necessary for those who agree in favour of the vote, in which I am also prepared to concur, for my right hon. friend for instance who spoke just now (Mr. Sheridan) to pursue the course of argument, which he has pursued through the greater part of his speech, and which every feeling of my heart as well as every principle of fair reasoning impels me to disclaim and disavow. Is my right hon. friend jealous of any concurrence of opinion upon the present occasion, except such as shall be founded on a participation in the dissentions and enmities of 20 years ago? Is it not enough for him to obtain our votes in his favour on the question of the present day? Does he consider them as not worth having unless we will also consent to go back with him to the transactions of 1789, and to enter into all the feelings and recollections of animosity connected in his mind with the discussions of that turbulent and agitated period?—unless we will join him in all that he alledges against his political antagonists of that day? Sir, I have heard these things from my right hon. friend (Mr. Sheridan) with peculiar pain: but he is not the first that has resorted to this singular species of reasoning.—What advantage any man, or any set of men, can propose to themselves from substituting for argument upon the question now actually under discussion, attacks upon the characters of persons now no more; and particularly (what from my right hon. friend I should have expected less than from any other) upon the memory of that great man, who bore a principal part in the proceedings of that period, I am utterly at a loss to imagine. Can it be necessary in our present difficult and distressing situation—a situation sufficiently full of divisions and distractions, to rake up the ashes of the dead for the purpose of kindling new flames amongst the living? For my own part I have the satisfaction to feel, that such is neither my opinion nor my practice. No man can accuse me of having ever gone out of my way, in any discussion in this House, to speak with disrespect of those, who differed from Mr. Pitt when living, and who are now gathered together with him in the peace and shelter of the grave. For myself, and I hope for all those who have imbibed their political sentiments from the same master, I can confidently say that we do not desire to erect an altar to the object of our veneration with materials picked from the sepulchral monuments of his rival. The character of him, whom we reverence and regret, we are satisfied may safely be suffered to rest upon its positive merits. It shines without contrast;—its lustre is all its own, and requires not the extinction of the reputations of others to make it blaze with a brighter flame.

I cannot—I own I cannot, conceive the feelings and policy of those, who pursue an opposite system. I cannot understand the wisdom of reviving at this moment those party heats and political and personal animosities, which the hand of death, one should have thought, might well be allowed to have closed: and which the progress of time might of itself be supposed to have obliterated. Is this the foretaste which the hon. and the right hon. gentlemen opposite think fit to give of the spirit in which their new government is to be conducted? Entering upon a new scene of things in which even if they could forget and cause to be forgotten every subsisting hostility, every partiality and prejudice, by which the political men now living are divided, they would still have difficulties enough to encounter. Do they think their administration requires any additional embarrassment? or do they think, that it will be a facility to it, that they should array against themselves the wishes and the feelings of every man in this House and in the country, who shares those sentiments, which it is my pride and satisfaction to cherish and to avow for my late illustrious and venerated friend? I doubt, Sir, if an undeserved attack upon that great man can add any thing to the strength of their future government; I am sure it adds nothing to the force of their arguments on the question now before us.

But my right hon. friend (Mr. Sheridan) was not the first to introduce this invidious topic into our present deliberations. He has but followed the example of an hon. and learned member, (sir Samuel Romilly) who had last night the merit, if merit it can be called, of relieving the dry discussion of the question now at issue by opening an attack, as unjust as uncalled for, and as singular as either, upon the memory of Mr. Pitt. Sir, I then repressed my feelings, strong as they were at the moment; and resolved to abstain from any animadversion upon the hon. and learned gent.'s proceeding. My hon. friend opposite to me (Mr. Wilberforce) had executed that duty in a way which left nothing to regret or to supply: and at the period of the debate, at which it was my fortune to rise, I was more anxious to bring back the attention of the House to the real subject of the debate, than to lead it back to a topic, which I hoped would not be reverted to again, and the introduction of which into these discussions, while I condemned it in others, I would not willingly countenance by my own example. But when I find that the hon. and learned gent.'s example is contagious—that even my right hon. friend (Mr. Sheridan) is infected by it—that it appears to be a measure of party to run down the fame of Mr. Pitt, I could not answer it to my conscience or to my feelings, if I had suffered repeated provocation to pass without notice. Mr. Pitt it seems was not a great man! (loud cries of hear, hear, hear!) Is it then that we live in such heroic times—that the present is a race of such gigantic talents and qualities as to render those of Mr. Pitt in the comparison ordinary and contemptible? Who, then, is the man now living—is there any man now sitting in this House, who by taking the measure of his own mind or of that of any of his contemporaries can feel himself justified in pronouncing that Mr. Pitt was not a great man ? I admire as much as any man the abilities and ingenuity of the hon. and learned gent. who promulgated this opinion. I do not deny to him many of the qualities which go to constitute the character which he has described. But I think I may defy all his ingenuity to frame any definition of that character, which shall not apply to Mr. Pitt—to trace any circle of greatness from which Mr. Pitt shall be excluded.

I have no manner of objection to see placed on the same pedestal with Mr. Pitt for the admiration of the present age and of posterity other distinguished men, and amongst them his great rival, whose memory is, I have no doubt, as dear to the hon. gentlemen opposite, as that of Mr. Pitt is to those, who loved him living, and who revere him dead. But why should the admiration of one be incompatible with justice to the other? Why cannot we cherish the remembrance of the respective objects of our veneration, leaving to each other a similar freedom? For my own part, I disclaim such a spirit of intolerance. Be it the boast and the characteristic of the school of Pitt, that, however provoked by illiberal and unjust attacks upon his memory whether in speeches in this House, or in calumnies out of it, they will never so far forget the respect due to him or to themselves as to be betrayed into reciprocal illiberality and injustice—that they disdain to retaliate upon the memory of Mr. Pitt's great rival.

From the hon. gentlemen opposite I see we are not to expect similar forbearance; they are not so tolerant. Their feelings appear to be something like those of a Catholic archbishop, of whom I have heard, in a foreign country, with which a treaty was not long ago negociating, in which treaty was inserted an article stipulating the toleration of the Protestant religion in that country. This stipulation was vehemently opposed by the archbishop; and when it was urged to his eminence that, as the Catholic religion was tolerated in England, the Protestant religion ought to be tolerated by the foreign prince, " The " cases," he observed, " are widely diffe- " rent, the false religion is bound to tolerate " the true, but it does not thence follow that " the true religion ought to tolerate the " false" (a laugh). It is on some such principle of reasoning, I suppose, that the gentlemen opposite, considering their creed as the only true political faith, and us Pittites as heretics, think themselves at liberty to give full licence to their attacks on the memory of Mr. Pitt, though never provoked to it by any wanton or intemperate reflections upon the character of that statesman, who is the theme of their praise and the object of their worship.

It is to me matter of equal regret and surprise, that any set of men should conceive that by such means they can either raise themselves or strengthen their party. If persons of that description should become the advisers of the Regent; and if the system they mean to recommend is founded not on positive but on negative principles, not on a practical consideration of the true interests of the country, but on personal antipathies to those, who have heretofore conducted its affairs, on a proscription of Mr. Pitt's foreign and domestic policy; and on a constant determination to detract from the memory of that great man (for so I hope I may still call him) my first wish is undoubtedly that his royal highness may disdain to act upon such advice. But even could I be brought to apprehend, that his royal highness would adopt such a system, if recommended to him, and would act upon it, even that consideration would not alter my conduct to night upon the question immediately before us. My principles indeed would compel me to differ from such a system of government when carried into effect; and whilst even to such a government I trust I should not give a factious opposition, I should undoubtedly feel it to be a duty to watch its measures with jealousy and suspicion. But even in the contemplation of that possibility I would not now vote for disarming the government of the Regent of any of those powers, which are so necessary to its due efficiency, and which were originally given to the crown as a trust for the benefit of the people. If all that the hon. gentlemen have had in view is to lessen the satisfaction, with which a vote can be given in favour of their amendment by any man, who agrees with them not in party but in principle on this particular occasion, in that view they have succeeded. It is with reluctance, that I concur in a vote supported by such arguments as theirs. But as the vote is in my judgment right, I must conquer that reluctance. I think it my duty to lend my feeble aid to constitute an executive government as strong as the constitution allows and the times require: confiding in the virtues of the illustrious personage to whom the power is to be entrusted, that no ill use will be made of it whoever may be his advisers; but confident that, whoever may advise him or whatever their advice may be, the executive power cannot be so strong, but that parliament will have strength, if necessary, to check and to controul it.

Sir *Samuel Romilly* said, that he did not rise to attempt an answer to that blaze of zeal which after the right hon. gentleman's silence of yesterday, and after 24 hours of calm consideration, had so unexpectedly burst forth, but merely to defend himself against that most unjust attack which the right hon. gent. had thought proper to make on him. The right hon. gent. notwithstanding what he had been pleased to say, perfectly well knew that he (sir S.) had not the merit, as he had been pleased ironically to term it, of introducing Mr. Pitt's name into these debates. The name of Mr. Pitt had been put forward by the gentlemen on the other side of the House, and had been relied on as giving weight and authority to the precedent of 1788. The right hon. gent. could not but know this, for he had so used the name of Mr. Pitt himself, and had in some degree apologized for departing in any respect from a precedent which was supported by so great an authority. He should have been very much ashamed if he really had diverted the attention of the House from the real question before it, for the purpose of throwing reflections on the memory of Mr. Pitt, or of any other individual, but the precedent of 1788 resting principally on the authority of Mr. Pitt, what he had said of him was in truth only an answer to an argument used on the other side, and he had no choice but to answer that argument, or by his silence and acquiescence to admit its validity. Even in courts of justice when precedents are cited, it is usual to discuss the characters and the merits of the judges, on whose authority they rest. Few men knew themselves, but he must be a very remarkable instance of self ignorance, if he really was a person who had a high opinion of himself, or who had the folly and presumption to think of measuring other mens' merits by the standard of himself. An hon. friend of his, one of the members for Yorkshire, who had, on the preceding night, without feeling the necessity of previous preparation, in the simple language of the heart, defended his friend's memory, had advised him to add to his reading, that he might be the better able to estimate Mr. Pitt's character, but it could not be necessary for him to read, in order to learn the history of Mr. Pitt's administration; he had been himself a witness of it, he had been, he hoped, no inattentive observer of all the transactions of Mr. Pitt's public life. He spoke, therefore, of what he had himself seen, and knew, and though the opinion he had formed might be erroneous, he had stated on what it was founded. He had never disputed that Mr. Pitt possessed the most splendid talents, but he could not recollect how those talents had been employed, how the influence which he so long enjoyed had been exerted, and what opportunities of improving the condition of his fellow creatures he had lost, and join in that veneration which some men felt for his memory. If the right hon. gent. had in plain and simple language just pointed out the acts of Mr. Pitt's administration which he (sir S.) had overlooked, or if he had only told him, to what class of his Majesty's subjects he was to turn to discover increased happpiness and comfort the effects of Mr. Pitt's talents, or to what part of the empire he might look to "read his history in a nation's eyes," he would have much better served the memory of his friend than by all this laboured accumulation of eloquence.

Sir *Francis Burdett* could not but think the zeal of the right hon. gent. opposite (Mr. Canning) intemperate and unbecoming, and he trusted that the manner in which it had been met by the hon. and learned gent. who had just sat down, would operate as a warning to that right hon. gent. not to suffer himself to be betrayed into such warmth of feeling and expression in future. With respect to Mr. Pitt, he felt no personal enmity against him. He had known him well by having been for sixteen years a close observer of his conduct and administration. But as to the eulogium of the right hon. gent., drawn forth as it had been by an allusion to Mr. Pitt's public conduct, he must say that it appeared to him not a panegyric upon the character of the man, but upon the system of government of which he was the head. He had no desire to add to the warmth which had been expressed on the subject, and it was his wish to reserve the observations he had to make on the memory of Mr. Pitt, until he had considered the question before the House.—The hon. baronet then took a view of the Resolutions, commenting on the restrictions which they contained, and shewing their trifling and vexatious nature in some instances, and their dangerous influence in others. Of the former kind he considered the restraint on the creation of peers, a restraint altogether nugatory and trifling, for the privilege, such as it was, in his opinion, should belong to the Regent. As to that Resolution by which such extraordinary power was to be conferred on the Queen, it was in itself so monstrous, that he could not imagine that it was possible the House could sanction it by their approbation. The comfort of his Majesty would, of course, be consulted, but all power and influence of the regal character should belong to the Regent. He professed his surprise at many doctrines which he had heard respecting the regal influence; when it was now said that the influence of the Prince's council was to be of an overwhelming nature, and to sweep before it all the barriers of the constitution. This language, and the doctrines which it contained, were foreign from the idea he had formed of the constitution, and not to be found in those authorities to which he had been instructed to apply for constitutional information. From these authorities he had learned, that the happiness of the people under our form of government would be best promoted by a strong executive, and a House of Commons freely chosen, and subject to no undue or unconstitutional influence. By the measures now sought to be introduced, oligarchy, the worst of all possible forms of government, was, in fact, introduced. The hon. baronet again reverted to the administration of Mr. Pitt, asserting that its effects were as injurious to the independence of Europe as they were ruinous to his native country—an administration attended with continental desolation and domestic calamity—an administration, which had reduced the people of this country almost to the condition of the Romans under their worst emperors, when, as the historian expressed it, they were "*odio et terrori servi*"—an administration, which, by its persecution of the rights and liberties of the subject, had realised in this land of freedom a system of terror not to be exceeded by the atrocious crimes of Robespiere. He was now, however, inclined to look forward to better days. The times of delusion were rapidly passing away; and the people of this country, if restored to their rights, would be able to maintain them against any assailants.

Mr. *Ponsonby* rose to make an observation on what had fallen from gentlemen on both sides of the House, with respect to the memories of the great statesmen so frequently, and, in his mind, so unnecessarily, introduced. It would be wise to bury in eternal oblivion all animosities arising from the rivalship of the great men alluded to. The question of comparison had been unfortunately introduced by the Chancellor of the Exchequer; but, as that was foreign from the question before them, he would carefully avoid it. Their frailties should now rest in oblivion, their errors should not be mentioned. From this idea, he regretted extremely the language of the right hon. gent. (Mr. Canning), as well as that which it had called forth from his hon. and learned friend. But in defending the memory of his departed friend, the right hon. gent. had endeavoured to fasten an insinuation on the memory of his illustrious friend, which, from a thorough knowledge of the mind of Mr. Fox, he knew to be destitute of foundation. In a tone of triumph he had asked if this propensity to calumny was to be the mark of a Foxite; but from a long acquaintance with him he could say, that of all his virtues none was so conspicuous as his entire exemption from the low and grovelling passion of malignity. He hoped that the right hon. gent. would see the injustice of charging his side of the House with aspersions on the memory of his friend. It certainly was far from his intention to heap obloquy on his memory; he hoped, therefore, that the language of gentlemen on both sides would be free from any aspersions of this nature, and more temperate and more conciliating.

Mr. *Canning* expressed his approbation of the conduct of the right hon. gent.; such an acknowledgment was all he desired.

Mr. *Whitbread*, in reference to what had fallen from the right hon. gent. opposite, who seemed to consider himself as exclusively the friend of Mr. Pitt, rose to say, that (though he did not look upon himself as exclusively the friend of Mr. Fox), he did not wish himself to be regarded as included in the acknowledgment made by his right hon. friend.

The question being loudly called for

strangers were ordered to withdraw. The Amendment made by lord Porchester was negatived without a division; so that the first, second, third, and fourth Resolutions passed, as originally proposed by the Chancellor of the Exchequer. Upon the fifth Resolution, which had been amended in the Committee by a majority of 13 (see p. 598), the Chancellor of the Exchequer divided the House, and his amendment, which went to restore it to its original state (see p. 550,) was negatived upon a division by a majority of three.

For the fifth Resolution as amended in the Committee	217
Against it	214
Majority	3

HOUSE OF LORDS.

Thursday, January 3.

[RESOLUTIONS RESPECTING THE REGENCY.] Lord Clive, accompanied by several members, was introduced to the bar, when he delivered a Message from the Commons, requesting a Conference with their lordships. The Lord Chancellor put the question, which being carried affirmatively, the messengers of the Commons were informed, that their lordships had agreed to hold the desired Conference, and that the same should be presently held in the Painted Chamber. The messengers having retired from the bar, a deputation was appointed to manage the Conference on the part of their lordships, consisting of the Lord President, the Lord Privy Seal, earl Graham, earl of Liverpool, the bishop of Killala, and lord Walsingham, and their lordships proceeded to the Painted Chamber for the purpose. The House then adjourned during pleasure.

After a few minutes had elapsed, the deputation returned, and the House resuming, the Lord President acquainted the House, that the desired Conference was held with the Commons, who communicated certain Resolutions voted by that House, to which they requested the concurrence of their lordships, and which he moved might then be read by the clerk.

The Resolutions voted last night by the House of Commons were then read, after which, the earl of Liverpool moved, That this House do to-morrow resolve itself into a Committee to take into consideration the State of the Nation, and that the Resolutions now communicated to their lordships by the Commons, be referred to the said Committee—Ordered.

HOUSE OF COMMONS.

Thursday, January 3.

[ISSUES OF PUBLIC MONEY FOR THE ARMY AND NAVY.] The *Chancellor of the Exchequer* stated to the House, that out of the present unhappy circumstances of the country, a difficulty had arisen, respecting the Issue from the exchequer of certain sums for the use of the Army and Navy. He begged the House would bear in mind, that the sums which he had mentioned had been expressly appropriated by parliament to the naval and military services. The difficulty to which he alluded had arisen between the Treasury and the Exchequer, and he felt it his duty to bring the subject before parliament, in order to call on the House to do that which was necessary for the public service, which, under the existing circumstances, required a Resolution of that House in order to sanction the proceeding of the executive government. He begged leave to state, that in what he had now said, and in what he might hereafter say on this subject, it was by no means his intention to impute blame to the person who had differed from him and the Treasury in his view of the duties which he had to perform; although he lamented that that person had not seen those duties in the light which they appeared to him. He trusted, however, that the House would consider it inconvenient and unfair to enter into a further discussion, or even a statement on the business, until they should be fully in possession of the facts connected with it; and he thought therefore that in the interval between the present period and to-morrow, when it was his intention to bring the subject under the consideration of the Committee of the whole House (having previously presented the few papers which he held in his hand, and which might with ease be printed by that time), he could not better discharge his duty than by abstaining from any further comment on the transaction. He must however declare, that although it had not occurred to him before the present circumstance, that it would be expedient to bring this subject under the immediate notice of parliament, yet he had always anticipated it as his duty to submit it to their consideration—not for the purpose of obtaining a previous vote of indemnity, but, having incurred the responsibility of action, with the view of calling on the House to determine whether or not ministers had acted justifiably in taking the measures which they had adopted? If there was any objection on the other side of the House to his making the present motion without notice, injurious as the delay might be, he would content himself with giving notice of the motion for to-morrow. (Cries of no, no!) As no objection of that kind appeared to exist, he would move—"That there be laid before the House a copy of the Warrant from the lords commissioners of the treasury directed to the auditor of the exchequer, dated the 31st of December, 1810: together with copies of the correspondence that has taken place between the lords of the treasury, and the auditor of the exchequer, relative thereto."

Mr. *Ponsonby* observed, that the right hon. gent. had certainly mistaken the sentiments of himself and of his friends, if he conceived that they would object to the motion on the ground of due notice of it not having been given. The right hon. gent. had said enough to prevent any such idea from being entertained on their part. The urgency of the case was evidently such as to exempt the motion from the ordinary form of the House. The right hon. gent. had expressed his intention of moving that these papers, when presented, should be printed. He was of course aware that it was impossible for him (Mr. Ponsonby) to be in possession of all the facts of the case; and he trusted therefore that the right hon. gent. had moved for all the documents which were necessary to render the House completely masters of the subject. In his mind, it would have been much better had the Treasury applied at an earlier period to the Exchequer, to ascertain the conduct which it was likely the latter would pursue. It was very imprudent to postpone such an application until the period when the issue of money was immediately wanted for the public service. Had the right hon. gent. made this application some weeks ago, he would probably by this time have been put in possession of the expedient for which he now sought. On a former occasion the right hon. gent. had declared, that no public inconvenience was likely to arise from the adjournment to which he persuaded the House to agree. In that opinion the right hon. gent. was probably sincere. But what had just been brought under the notice of the House proved that a very great inconvenience to the public service was likely to accrue. For the right. hon. gent. said, that the issue to which he alluded was immediately wanted for an important branch of the public service. Now, surely, it was no slight inconvenience that the House should be called upon to deliver it on a motion of such primary consequence, when wholly unapprised of the mode which it was probable the right hon. gent. would propose to obviate the difficulty. That the public service must be provided for was evident. They could never suffer the navy and army to want the necessary means of subsistence, but then they ought to have been in earlier possession of the means of judging as to the most satisfactory mode of obtaining this object. He therefore repeated his regret, that the right hon. gent. had not agitated the subject at an earlier period.

Mr. *Tierney* wished to know if the House was to understand that the correspondence for which the right hon. gent. was about to move, comprised in it an official explanation of the whole of the difficulty which had occurred? If it did not, the defect might possibly be supplied by moving for some additional document.

The *Chancellor of the Exchequer* expressed his thanks to the two right hon. gentlemen for the forbearance which they had shown on the subject. In answer to the first, he declared his conviction that he should be able to show to-morrow that he had not been guilty of any unnecessary delay. In answer to the second, he must say, that he did not know that the correspondence for which he was about to move would contain any document completely satisfactory as to the cause of the existing difficulty. He would take the liberty of explaining that cause to the House in a few words; and if they should be of opinion that something more formal was necessary than his verbal explanation, he would endeavour, if possible, to procure a document on the subject. The Exchequer Act required that the issue of public money should be under the Great Seal, or under the Privy Seal, or by authority of an act of parliament. It had appeared to him, with reference to that Act, that the warrant of the Treasury would have been sufficient; but he must accompany the declaration of this opinion with an acknowledgment that the Attorney and Solicitor General had stated it to him to be their opinion that such warrant would not be strictly legal. There had been no instance of an issue under the Great Seal, unless for civil purposes. With this consideration he had thought that it would be proper to use the Privy-Seal. The use of the Privy Seal had two advantages; the first, that when once the warrant under the privy seal had gone to the Exchequer, it was to all intents and purposes a legal instrument, although the person by whom it had been issued might be hanged for issuing it. The Keeper of the Privy Seal was willing to undertake this responsibility, but he was not the only responsible person; the signature of the Clerk of the Privy Seal (Mr. Larpent) was also necessary, and this gentleman did not think himself justified by his oath of office in taking this step. Therefore, although he (the Chancellor of the Exchequer) was willing to take all the responsibility on himself, yet, owing to this circumstance, the Exchequer would of course object to an instrument coming before them without the necessary formalities. Nothing therefore remained but that he should apply to that House for a Resolution to obviate the difficulty. Should they not consider his explanation sufficient, he would endeavour to prevail on the officer whom he had mentioned to write a short official note, expressive of the incompatibility which he felt between his oath of office and the preparation of the instrument required of him.

Mr. *Tierney* preferred having the note from the Clerk on the table, as it was material that the discussion on this subject should be founded on official documents.

Mr. *Scrope Barnard* required some further explanation of the transaction.

The *Chancellor of the Exchequer* declined entering into any further details until to-morrow. He would endeavour to obtain as good a document from the Clerk of the Privy Seal as he could, but he trusted that this circumstance would not occasion any delay, as it was material that the question should be decided upon to-morrow.

The motion of the Chancellor of the Exchequer was then agreed to. After which the Papers were presented and ordered to be printed. The following are Copies of the said Papers:

CORRESPONDENCE

Between the Lords of his Majesty's Treasury and the Auditor of the Exchequer respecting the Issue of Money, for the Service of the Army and Navy.

No. I.—Warrant—£. 500,000.—Bank of England; on account of the Treasurer of the Navy.

After our hearty commendations:—Whereas by an act passed in the last Session of Parliament, intitled, "An act for granting to his Majesty certain sums of money out of the Consolidated Fund of Great Britain, and for applying certain monies therein mentioned, for the service of the year 1810, and for further appropriating the supplies granted in this Session of Parliament," the sum of 19,237,934*l.* 5*s.* 11*d.* was granted to his Majesty, for and towards the naval services therein more particularly mentioned: And whereas it appears by a joint resolution of the Houses of Lords and Commons, that, "His Majesty is prevented by his present indisposition from coming to his Parliament, and from attending to public business, and that the personal exercise of the Royal Authority by his Majesty, is thereby for the present interrupted;" And whereas it is indispensably necessary for his Majesty's service, that the sums granted as aforesaid should be issued and applied for the purposes authorized by the said Act; and that for the urgent and pressing demands of the Navy it is necessary, in order to prevent the manifest and serious injury which the public service would sustain if such issue of money were not made, that the sum of 500,000*l.* should be forthwith issued for the service of the navy: And whereas during the continuance of his Majesty's indisposition, and previous to any authority being obtained by Act of parliament to authorize the signature of his Majesty's name or the application of his Privy Seal, the ordinary and accustomed mode of issuing money out of the Exchequer cannot be pursued; and whereas by the said recited Act certain sums therein mentioned are directed to be issued and applied for and towards making good the supply granted to his Majesty; and the Commissioners of his Majesty's Treasury, now or for the time being, or any three or more of them, or the High Treasurer for the time being, are or is thereby or by other acts therein recited, authorised and empowered to issue and apply the same accordingly: These are therefore, under the particular exigency of the case, to pray and require you to draw an order for paying under the Governor and Company of the Bank of England, upon account of the right honourable George Rose, Treasurer of his Majesty's navy, or of the treasurer thereof for the time being, any sum or sums of money not exceeding in the whole the sum of five hundred thousand pounds, by way of imprest and upon account, for the service of the Navy and the victualling thereof; and let the said order be satisfied out of any the treasure or revenue in the receipt of the Exchequer, applicable to the uses and purposes abovementioned: for which this shall be your warrant. Whitehall Treasury Chambers, the 31st day of December 1810. (Signed) Sp. Perceval, W. Brodrick, W. Eliot, S. Barne, B. Paget.

To the Auditor of the Receipt
of his Majesty's Exchequer.

No. II.—A like Warrant for 500,000*l.* to be paid to Mr. Long and lord Charles Somerset, for army services.

No. III.—Lord GRENVILLE, Auditor of the Exchequer, on the subject of issuing money, from the Exchequer, for the service of the Army and Navy, under the Warrants of the Lords of the Treasury.

Camelford-House, Jan. 1, 1811.

Sir,—Mr. Fisher has this moment brought to me two Warrants from the Lords Commissioners of his Majesty's Treasury, under yesterday's date, by which I am required, in consideration of the circumstances therein stated, to draw an order for the issue of 500,000*l.* to the Bank, on account of the paymaster general of the forces, and also a like sum on account of the treasurer of the navy; for which issues no authority under his Majesty's Great Seal, or Privy Seal, or sign manual, has as yet been presented, according to the accustomed mode and course of the Exchequer in that behalf.

I have been, up to this moment, totally unapprized of any intention on the part of their lordships, to transmit to me any such warrants, but had on the contrary every reason to believe, from what you had stated to Mr. Fisher, that the officers of the Exchequer were to be called upon to act on this occasion under the authority of his Majesty's Privy Seal, which however irregularly it might have been obtained, would have been, in my judgment, imperative upon them.

It now becomes necessary for me to consider the nature and extent of the duties which this new and unexpected course of proceeding imposes upon me; and I must for that purpose request, that you will do me the honour to inform me, within what time it will be necessary, for avoiding those inconveniences to the public service, which are specified in the warrants of their lordships, that such orders as are beforementioned, should be drawn and transmitted to their lordships? I have the honour to be, Sir, your most obedient humble servant, (Signed) GRENVILLE.

The Right Hon. Sp. Perceval, &c. &c.

No. IV.—Mr. PERCEVAL to Lord GRENVILLE, stating the period when an issue should be made from the Exchequer, in pursuance of the Treasury Warrant.

Downing-street, 1st Jan.

My Lord—I have had the honour of receiving your lordship's letter of this day's date, desiring to know within what time it will be necessary, for avoiding those inconveniences to the public service, which are specified in the warrants to which your lordship's letter relates, that the order for issuing the money under such warrants should be transmitted to their lordships? and I have to state to your lordship, that according to the usual course of supplying the weekly issues, both to the navy and the army, it would be necessary that sums should be issued to both services, beyond the amount of the existing credits at the Exchequer, either to-morrow or the next day at farthest; but although such is the usual practice, which I should regret the necessity of departing from, yet if the orders could be so furnished as to admit of an actual issue being made upon them by Monday next, I do not apprehend any serious inconvenience to the public service from such a short delay. I have the honour to be, my lord, your lordship's most obedient and humble servant, (Signed)
SP. PERCEVAL.

No. V.—Lord GRENVILLE, Auditor of the Exchequer, transmitting a Case on the subject of issuing Money from the Exchequer under Treasury Warrants, and requesting the same might be submitted to the Attorney and Solicitor General.

Exchequer, January 1, 1811.

My Lords,—I have been informed by a letter of this date from the right hon. the Chancellor of the Exchequer, that it is desirable the orders required by your lordships' warrants of yesterday's date, should be transmitted to your lordship either to-morrow or next day at farthest, and that serious inconvenience is apprehended to the public service, unless the actual issue can be made upon them by Monday next.

Under this pressure I have thought it

my indispensible duty to lose no time in drawing up such a statement of the case, as my general knowledge of the subject enables me to do on the sudden. If there should appear to your lordships any deficiency or error in this statement, I beg leave to request that your lordships will have the goodness to direct, that the same should be supplied by your lordships' officers; and I cannot doubt that your lordships will then, in compliance with this my humble request, direct that the Case should be immediately submitted, by your lordships orders, to the Attorney and Solicitor General, in order that I may have the sanction of their legal advice and authority in a matter of such novel and unprecedented difficulty. I have the honour to be, my lords, with great respect, your lordships most obedient humble servant.

(Signed) GRENVILLE, Auditor.

No. VI.—CASE for the Opinion of his Majesty's Attorney and Solicitor General —1 January 1811.

The Auditor of the Exchequer is appointed by a constitution from the Lords Commissioners of his Majesty's Treasury: his office is generally described by Lord Coke, Inst. 106. His appointment states his duty to be, that of writing all and every the tallies and counter tallies of all whatsoever the bills to be made hereafter at the Exchequer of our lord the king, on all and every the payments and assignments to be there made; and of doing and exercising all other things to that office belonging.

He has no general instructions accompanying his appointment.

Special provisions relative to his office and duties are contained in the eighth and ninth W. 3, c. 28. particularly in sections 6. 8. and 10. to which your attention is desired, as well as to the general tenor of the several statutes for the regulation of the Exchequer, and also to the stat. 50 Geo. 3, c. 115, f. 6.

Copies of the several forms of the Warrants under Privy Seal and Sign Manual, and of the usual warrant from the Lords Commissioners of the Treasury to the auditor, for drawing orders for the issue of money, according to the accustomed course of the Exchequer, are transmitted herewith. And Mr. Fisher, the auditor's chief clerk, an officer of long experience in the Exchequer, will attend you for the purpose of supplying any explanation of these instruments or any other information which you may require.

A Copy is herewith inclosed of two Warrants from the Lords Commissioners of the Treasury, dated December 31, 1810; and requiring the Auditor, under the circumstances therein described, to draw orders for the issue of one million of the King's Treasure, for the issue of which no authority under his Majesty's Great Seal, Privy Seal, or Sign Manual has been presented, according to the accustomed course of the Exchequer in that behalf.

Your opinion is requested, by the Auditor, whether the aforesaid Warrant of the Lords Commissioners of the Treasury, is a sufficient authority imperative on him, and therefore a legal sanction for his proceeding to obey the same; or whether any and what discretion is left to him on this occasion, for the exercise of which he may be responsible in any Court of Law, or to the two Houses of Parliament; they having resolved, that it is their right and duty to provide the means of supplying the defect of the personal exercise of the Royal Authority arising from his Majesty's indisposition, in such manner as the exigency of the case may appear to them to require.

Opinion.

Having considered the several Statutes and Documents to which we are referred, and the general practice which we understand to have prevailed in the Exchequer, as well before as since appropriation acts similar to the 50 G. 3, c. 115, have been annually passed, we do not think that the Warrant of the Lords Commissioners of the Treasury, is in law a sufficient authority, imperative upon the Auditor, nor consequently a legal sanction for his proceeding to obey the same, nor that any discretion is left to him by the law on this occasion, for the exercise of which he will not be responsible. V. GIBBS. THOS. PLUMER.

No. VII.—Mr. Harrison to Lord Grenville, transmitting Copy of the Opinion of the Attorney and Solicitor General, on the Case submitted by him; and stating the urgent necessity of his complying with the Treasury Warrant of the 31st December, 1810.

My Lord;—I am commanded by the Lords Commissioners of his Majesty's Treasury, to acknowledge the receipt of your lordship's letter of yesterday, requesting that the Case, therein transmitted, should be immediately submitted to the Attorney and Solicitor General, in order that you may have the sanction of their legal advice and authority, in a matter of such novel and unprecedented difficulty; and to acquaint your lordship, that they lost no time in complying with your request. And I am now commanded to transmit to you a copy of the Opinion, which they have just received, from the Attorney and Solicitor General, stating, that they do not think that the Warrant of the Lords Commissioners of his Majesty's Treasury is, in law, a sufficient authority imperative upon the Auditor, nor consequently a legal sanction for his proceeding to obey the same. My Lords direct me to add, that their sense of the mischief to the public service, which would arise if any delay should take place in the issues of the monies required by their Warrants of the 31st December, appears to render it indispensably necessary that those Warrants should be forthwith complied with, and that they are consequently ready to take upon themselves the responsibility of any act which may be essential for that purpose. I am, my lord, your lordship's most obedient and humble servant. GEO. HARRISON.—Jan. 2, 1811.

No. VIII.—Lord Grenville, stating his reasons for not complying with the directions of the Treasury Warrant for issuing Money from the Exchequer.

Exchequer, 3 January 1811.

My Lords;—I had the honour to receive, yesterday evening, a letter from Mr. Harrison, transmitting to me the Opinion of his Majesty's Attorney and Solicitor General, on the Statement which I took the liberty of submitting to your lordships, for the purpose of being laid before them; and I beg leave to express the due sense which I entertain of your lordship's ready compliance with my request. Having fully considered that opinion, I lose no time in humbly apprizing your lordships of the final judgment which I have formed as to the line of my official duty on this occasion. It is matter of the deepest concern to me, to be made the involuntary cause of any, even the shortest delay, in an issue of his Majesty's Treasure, stated to me, from such high authority as that of your lordships, to be important to the public service. If I could be satisfied of the propriety of my doing, what is required from me by the warrants which I have had the honour to receive from your lordships, there is no personal responsibility which I would not readily incur for the public interests; but I cannot persuade myself, that I could obey those warrants, without a breach of my official duty in that point, which is above all others peculiarly obligatory on the person placed in the situation of Auditor of the Exchequer; nor without a high and criminal violation both of a positive statute, and also of the essential principles of our monarchical and Parliamentary Constitution.

The act passed in the 8th and 9th of king William the 3d, cap. 28, intituled "An Act for the better observation of the course anciently used in the Receipt of Exchequer," prohibits the issue of the King's Treasure, except in pursuance of the special provisions of an Act of parliament, or under the authority of Warrants under his Majesty's Great Seal or Privy Seal, duly entered in the office of the auditor, who is thereupon to draw the necessary orders. In the present instance all these authorities are wanting; and it is proposed that 1,000,000*l.* sterling of his Majesty's Treasure shall be issued on the sole ground of a warrant signed by your lordships. Every step taken towards such an issue by an officer of the Exchequer, but more especially by the auditor, would be in open violation, both of that statute, and of the accustomed course of the Exchequer, for such an act your lordships' Warrant cannot, as I now learn from the highest authority, afford me any legal sanction. I must, I am told, act on my own discretion, for the exercise of which I must alone be responsible. This responsibility, if it legally attaches upon me, I certainly cannot transfer to any other persons, and least of all to your lordships, whatever willingness you have expressed to take it on yourselves. My attempting to do so, would itself be criminal; tending to confound the official relations in which I have the honour to stand towards your lordships, and to annul those checks which the law has established to ensure the faithful discharge of our respective duties, and thereby the security of the public treasure.—But I beg leave humbly to submit to your lordships, that the law has in truth invested me with no discretion on this question.

The exigencies of the public service, which your lordships have condescended to detail to me in these your warrants, are matters of state, of which, as auditor of the exchequer, I have no knowledge, and can take no cognizance; my official duty is strictly limited to an observance of the accustomed forms of the exchequer, and of the laws which have from time to time been passed for its regulation. To these I am bound to adhere; and it is on the fullest consideration which this pressure of time has permitted me to give to them, that I am compelled to decline, but with all due respect to your lordships, a compliance with the requisition contained in those warrants to which this letter refers.

Perhaps, however, on an occasion of such high and urgent public interest, it may not be improper for me, before I close this letter, further to submit to your lordships my view of the mode in which all difficulties on this subject may be removed, in so far at least as any agency of mine may be required for the purpose of those issues; a mode which I am happy to think may still be resorted to, even within the period which the right hon. the Chancellor of the Exchequer did me the honour to point out to me, as that within which no serious inconvenience is to be apprehended to the public service.

Your lordships have recited in your warrants, the resolution by which the two Houses of Parliament have declared the melancholy fact of the temporary incapacity of his Majesty for the discharge of his high functions. If it be proper for me, in my official character, in any manner whatever to act on this declaration, I cannot separate my knowledge of it from that of the accompanying Resolution, by which the Lords and Commons did at the same time declare, that it was their right and duty "to provide the means of supplying the defect of the personal exercise of the royal authority arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to them to require."

To this Resolution all the subjects of this realm owe submission and obedience, and while it presents on the one hand, in my judgment, a fresh and insuperable obstacle to my obeying your lordships requisition, it does, I trust, afford, on the other hand, the means of obviating any inconvenience that could arise from any adherence to this my public duty, I should think myself doubly criminal, if, while the two Houses are actually proceeding in the execution of such their right and duty, I were to take upon myself to decide, for them, in what manner the defect in the personal exercise of the King's authority shall be supplied, in so important a branch as that of the issue of his royal treasure; much more, if I were to arrogate to myself the power of dispensing, for that purpose, with the express provisions of the laws by which my official duties are regulated.

But if your lordships shall think it proper to submit this difficulty to the consideration of the two Houses of Parliament, they have declared, that with them rests the right and duty to provide the means of removing it. With them resides, under the present exigency, the power to command those official seals, the use of which would constitute an imperative and unquestionable authority to the officers of the exchequer; with them rests the discretion of judging in what other manner they may think it more fit to provide a sufficient warrant or sanction for any issue which they may determine to be requisite for the public interests; and I certainly should not fail to defer to their pleasure with entire submission, and to execute with the most implicit obedience, any orders which I shall receive from your lordships, under the sanction of their authority. I have the honour to be, with the highest respect, my lords, your lordships' most obedient, and most humble servant, GRENVILLE, Auditor.

HOUSE OF LORDS.

Friday, January 4.

[ISSUES OF PUBLIC MONEY FOR THE ARMY AND NAVY.] The *Lord Chancellor*, in the absence of his noble friend the earl of Liverpool, presented the documents ordered yesterday, on the motion of the noble secretary of state, touching certain issues of Public Money, for the service of the Army and Navy.--Shortly after, the earl of Liverpool entered the House, upon which

Earl *Spencer*, alluding to the said papers, observed, that the nature of the proceeding to be proposed had not been explained, but he had heard it reported that the House was to meet to-morrow for the purpose of considering it. He put it, therefore, to the noble earl whether it would not be a matter of convenience to the House to explain the nature of the proceeding which it was intended to propose.

The Earl of *Liverpool* said, that a question had arisen respecting the issue of money under the present circumstances for the public service, and it was possible that they might receive a communication upon the subject to-morrow from another quarter. If that, however, should not be the case, it was intended to propose a Resolution authorising the issue of the money to supply the exigencies of the public service.

The Earl of *Moira* suggested that, as two questions must necessarily arise, the one as to the exigency for the issue of the money, and the other as to any culpability alleged to attach to ministers, it would be more convenient to confine the proceeding to-morrow to the exigency.

The Earl of *Liverpool* admitted the convenience of this mode of proceeding, and agreed to adopt it.

Lord *Grenville* observed that it did not necessarily follow that there would be no discussion upon the question as to the exigency (although he did not mean to anticipate discussion) since from the delay which had taken place, they must come to the decision of so novel a question.

Earl *Spencer* moved that the Lords be summoned for to-morrow, which was ordered.

[STATE OF THE NATION—RESOLUTIONS RESPECTING THE REGENCY.] The order of the day being read, the House resolved itself into a Committee on the State of the Nation. The Resolutions communicated from the Commons yesterday were read by the clerk, as follows:

Resolved, 1. "That for the purpose of "providing for the exercise of the royal "authority during the continuance of his "Majesty's illness, in such manner, and "to such extent, as the present circumstances and the urgent concerns of the "nation appear to require, it is expedient "that his royal highness the Prince of "Wales, being resident within the realm, "shall be empowered to exercise and administer the royal authority, according "to the laws and constitution of Great "Britain, in the name, and on behalf of "his Majesty, and under the style and "title of Regent of the kingdom; and to "use, execute, examine, and perform, in "the name and on the behalf of his Majesty, all authorities, prerogatives, acts "of government, and administration of "the same, that belong to the King of this "realm to use, execute and perform, according to the law thereof, subject to "such limitations and restrictions as shall "be provided."

2. "That for a time to be limited, the "power so to be given to his royal highness the Prince of Wales, shall not extend to the granting of any rank or dignity of the peerage of the realm to any "person whatever, except such person or "persons as may perform some singular "naval or military achievement. That "for a time to be limited, the said power "shall not extend to the granting of any "office whatever in reversion, or to the "granting of any office, salary, or premium, for any other term than during "his Majesty's pleasure, except such offices as are by law required to be granted for life or during good behaviour."

3. "That such parts of his Majesty's "private property as are not vested in "trustees shall be vested in trustees for "the benefit of his Majesty."

4. "That the said power shall not extend to the granting of any part of his "Majesty's real or personal estate, except as far as relates to the renewal of "leases."

5. "That the care of his Majesty's "royal person, during the continuance of "his Majesty's illness, shall be committed "to the Queen's most excellent Majesty; "together with the sole direction of such "portion of his Majesty's household as "shall be deemed requisite and suitable "for the due attendance on his Majesty's "sacred person, and the maintenance of "his royal dignity: and that for the better enabling her Majesty to discharge "this important trust, it is also expedient "that a council shall be appointed to advise and assist her Majesty in the several "matters aforesaid; and with power, from "time to time, as they may see cause, to "examine, upon oath, the physicians and "others attending his Majesty's person, "touching the state of his Majesty's "health, and all matters relative thereto."

The Earl of *Liverpool* then rose and said: My Lords, before I proceed to the discussion of the Resolutions which have been just read, I think it necessary to notice an argument which has been used—imputing to those who support the course proposed by Restriction a want of delicacy, and a conduct disrespectful, towards the Prince of Wales. I bear towards that illustrious personage as much respect as any of your lordships, and must contend that the fair and constitutional way of arguing this question is to reason upon those great public principles, which so strongly apply to it, without reference to the individual. All of us are agreed that the Prince of Wales is the person in whom the exercise of the royal authority, during the present melancholy exigency, ought to be vested; but as, in arguing any question respecting the prerogatives of the crown, the personal disposition of him who then wears the crown can have no reference to the argument, equally so in the present case all considerations personal to the individual whom it is proposed to appoint Regent ought to be kept out of the discussion. The grand maxim of our constitution, and which is essential to the monarchy, is, that the King can do no wrong; but the King may be influenced by those who advise him, and who are responsible for their advice. Upon the same principle of the constitution I contend with respect to the Regent, whoever he may be, invested with the exercise of the royal authority, that he can do no wrong; but he may be influenced by advisers. We must, therefore, I contend, consider this question in a similar point of view to a question respecting the prerogatives of the crown, and as, in the latter case, without any personal reference to him who wears the crown, so in the former, without any argument directed personally towards him whom it is proposed to appoint Regent.

With reference to the object of the Resolutions now before the House, on looking at all the precedents which at all bear upon the question, and consulting the history of the country, I can find no instance of a Regency without Restrictions, except in two cases, which were clear usurpations. The great principle upon which our ancestors seem to have acted in this respect, and which appears to me to be the great principle upon which this question rests, was the distinction between the permanent possession of the rights of the crown, and the temporary exercise of the royal authority. A distinction founded upon this assumption, that it was the interest of the King, in whom was permanently vested the rights of the crown (vested undoubtedly as a trust for the benefit of the people), to preserve and to maintain those rights unimpaired and without abuse, but that it might become the interest of the Regent, from the very nature of the temporary duration of his power, to abuse the prerogatives with which he was entrusted, and thus to encumber the exercise or impede the restoration of the power and rights of the crown, on the resumption of the royal authority by the sovereign. Upon this broad line of distinction between the permanent investiture of the rights of the crown and the temporary exercise of the royal authority, appears to have been founded those Restrictions which have accompanied all Regencies. I do not, however, mean to assert, that there is no instance of a Regency in which the entire power of the crown was not granted; but in a case which has been alluded to, the act of the 1st of Philip and Mary, although the entire power of the crown was granted to Philip, as Regent, in the event of the death of the Queen, leaving an infant heir, yet I do not believe that the right of conferring peerages was conveyed, or was intended to be conveyed, by that act. In the Regency acts of the 24th Geo. 2, and the 5th of his present Majesty, I admit that the power of conferring peerages was granted, but there was established in each instance a council of controul to the Regent. It must of course be decided according to the varying circumstances of the times in every instance, whether it is most expedient to restrain the Regent by means of a council of controul, or to invest him with the entire power of the crown, subject to certain Restrictions in the exercise of it. In the case of a minority which might last five, ten or fifteen years it might be more expedient to restrain the Regent by means of a Council of Controul, conferring the full power of the crown, than to restrict him specifically in the exercise of that power. In the case of a Regency likely to last only a short time, during the temporary incapacity of the crown, it has been deemed more advisable specifically, but partially, to restrict the Regent in the exercise of the royal authority. The principles upon which this system have been adopted, have been these, that with respect to making war and peace, the entering into treaties and other matters of great political importance, the Regent should be unrestricted, Parliament having in itself the means of prompt and sufficient controul to prevent any danger to the interests of the country, but that in those prerogatives of the crown, the exercise of which is irrevocable, and when once done cannot be recalled, and which also are for a limited time, not essential to the exercise of the royal authority, there the Regent should be restrained. Upon these principles were founded the precedent of 1788, a proceeding formed by great men, against whom much unmerited calumny has of late been directed, but a great part of whose fame and estimation in the country arose out of their conduct in that proceeding, and which subsequently received the entire approbation of the throne. I admit that there is a difference in the circumstances of the country now and in 1788, but at the same time we have now not only a hope, but a confident expectation of his Majesty's recovery. I admit that there are other circumstances which it is unnecessary now to go into, that also make a difference between the present period and 1788, but these circumstances do not affect the principle upon which we ought to act in constituting a Regency, however they may limit the application of it. The time proposed in 1788, during which the restrictions should continue, was three years—it is now proposed to continue them only for a twelvemonth, before the expiration of which Parliament will have been sitting about six weeks, when they will be enabled to consider whether any further provision is necessary to be made, the great object now being to provide for the temporary exercise of the royal authority, and that there may be no impediment to the full resumption by the King upon his recovery of the authority of the crown. It is, therefore, upon these principles that the three first Resolutions are founded. On the fourth Resolution, for taking care of the personal property of the King, it is not necessary for me to say any thing, no objection having been made to it. The fifth Resolution, relative to the custody of the royal person, and to the royal household, is, I confess, not satisfactory to me in the shape in which it has been sent up from the Commons. Nothing can be more erroneous than the supposition, that the State Offices of the Household are unconnected with the domestic comforts of his Majesty. The fact is, that there is not a menial servant in the Palace, not any person who in any way administers to the domestic comforts of his Majesty, who is not appointed by one of the great officers of the Household. Would your lordships, then, in the hour of his affliction destroy the domestic establishment of the Monarch, that when he recovers he may find himself a stranger in his family? All that is asked, is to leave the Household as it is for a limited time. I am aware that in former cases the custody of the person remained with the Regent, but in 1788 it was thought most advisable to separate the custody of the person from the Regency, which precedent it is now also deemed advisable to follow. Some difficulty occurred respecting the arrangement relative to the Household in 1788, and the same difficulty still exists. We have, I admit, only a choice of difficulties, and to make any arrangement upon the subject would require a most complicated measure. If his Majesty should unfortunately not recover within a certain time, some measure will of course become necessary upon this subject. All I ask upon the present occasion is, that the disposition of the Household, together with the custody of the royal person, should be allowed for a limited time to remain with the Queen. The time I propose is twelve months, and to obviate any possible objection that may be raised, upon the supposition of any influence arising out of such an arrangement, hostile to the formation of a strong and effective executive government, which it is my wish should be established, I am willing to agree that the great officers of the Household shall not, during the time I have mentioned, be removed. I trust it will not be imputed to her Majesty, that she would improperly use any influence arising out of such an arrangement. I am sure that she, in common with all your lordships and the country, would most sincerely rejoice at the recovery of his Majesty, and his restoration to the full exercise of his authority. It is my intention, therefore, to propose an Amendment in the fifth Resolution similar to what I have stated. Should his Majesty unfortunately not recover, it will then be for Parliament to consider the measure which may be ultimately necessary to make such an arrangement as may be conducive to the domestic comfort of his Majesty, and at the same time surround him with a dignity in his affliction which his situation demands, and which will be most grateful to the feelings of the country. At present only a temporary arrangement is asked for, and I am sure your lordships will feel that something is due to the feelings of his Majesty, who, during a reign of a duration longer than almost any other, has invariably displayed the most unremitting attention to the comforts and happiness of his people, and who has been ever ready to make the greatest sacrifices, when they could in any way conduce to the interests or the welfare of the country.

The first Resolution having been read,

The Earl of *Carlisle* observed, that the precedents upon which the noble earl relied were not applicable to the present case. That of Henry the 6th, which was the most applicable as to the circumstances, might in the present case be quoted rather for what was not done at that period, than for what was done. The lords who at that time went down to Windsor to ascertain the king's incapacity, did not on their return make flaws and hiatas; they did not assume the royal authority, and say to those who inquired about it "you ought to be satisfied, because we are responsible for the exercise of the royal authority," but the entire authority of the crown was immediately placed in the hands of the duke of York, as regent. He thought it would have been more manly in ministers to have proposed to restrain the Regent altogether from creating peers, on the ground that the power of conferring the peerage ought to rest with the King alone, than to propose the present Resolution for a restriction for a limited time, as from that Resolution the country could only draw the conclusion that there was a suspicion that the Prince of Wales would make an improper use of the power. Such a suspicion, he contended, could alone be the inference to be drawn from such a Resolution, which he felt it his duty to oppose. The precedent of 1788 was of no value, being imperfect and incomprehensible; it originated in party violence, and he was convinced that if Mr. Pitt, whom he highly respected, and his rival upon that occasion, could rise from the dead, they would readily acknowledge that, upon that occasion, they were both in error.

The Marquis of *Lansdowne* rose, and addressed their lordships to the following effect:—My Lords, I rise, not so much to put the House in possession of my sentiments, as for the purpose of calling your lordships' attention to what appears to me to be most immediately necessary to be considered upon this important subject, and upon this important occasion; because, finding myself unquestionably disposed to assent, to a certain degree, to the principle of the first Resolution now before the House, but, with the omission of certain words, I feel myself disposed to assent to the Resolution with which the noble earl who opened this debate concluded his address to your lordships. I feel myself, however, called upon to propose to your lordships the omission of the words to which I am now alluding, and which I shall, hereafter, shortly mention to the House, because your lordships are not merely called upon to assent to certain limitations, objectionable as they are, in the view which I have of them, coupled with some subsequent Resolutions; but, in the view which the noble earl has of the subject, your lordships should assent, not merely to common limitations, protractions, or prolongations only, of the known authority in the country; but you are absolutely called upon to create a new authority, an authority unknown to the law of the land, unknown in the practice of the constitution and government of this country; an authority untried by experience, and of the effect of which we can have no practical knowledge. It is in that view, my lords, I call upon you to look at the probable consequences of that which you are about to determine; and here I feel it a duty which I owe to this House, and to this country, to call upon your lordships to stop, *in limine*, the proposition to the extent to which it is offered to you by the noble earl who opened this debate, for I do warn your lordships of the evils with which this proposition is fraught; and do say, that the track which your lordships are called upon to pursue, is most dangerous and mischievous—dangerous and mischievous to the crown, to this House, to the community in which we live, and to posterity; all of whose interests it is your duty to protect, for they are interests committed to your care, and which, in my humble opinion, can alone be preserved by your lordships' interposition this night.

My lords, after attending and giving that weight which is due to what fell from the noble earl, and what is always due to what falls from that quarter, I own I was not convinced by his arguments, and for that reason I cannot help calling your lordships' attention to the proposition now before you; and that I confess, appears to me to be the more necessary, and, indeed, becomes a duty incumbent on me, as a member of this House, when a proposition is submitted and recommended to your lordships by the noble earl, by which the duties of the crown are separated from the prerogatives of the crown; but, before the noble earl can expect your lordships to adopt that proposition, it is incumbent on him, not only to argue, but to prove, that the prerogatives which he thus attacks, are injurious to the state. He ought to point out to your lordships, in what respects these prerogatives are now become inconsistent with the genuine principles of our constitution.

My lords, if I am not much misinformed in the constitutional history of this country, the crown of this realm is a political and descendible trust. That it is, as expressed by my lord chief justice Fortescue—"That the king exercises not only regal, but also political power; this political, as well as regal, power is secured to him by law, and it is to be exercised by him for the benefit of his people." That is a legal principle which the crown has acted upon, secured, as it is, by law, in the progress of the history of this country from the earliest period downward. My lords, that power, regal and political, that prerogative, that authority, are given by law to the king; for what purpose? For the benefit of the king? No! but to enable the king to discharge the duties of his high station for the benefit of his people. This power, this authority, this prerogative, are become not more the possession, the property, the interest, of his Majesty, than the possession, the property, the interests of the people of this country. It is, therefore, incumbent on the noble earl who has offered his propositions to your lordships, to shew (he has attempted to shew, but, in my humble opinion, has failed in the attempt), that there are certain parts of the royal prerogatives which ought not to have been given to the crown. Such an attempt would, I think, be at any time, but most emphatically at the present time, an hazardous undertaking to the ablest politician. I am of opinion, that no part of the prerogative of the crown, as at present limited by law, can, with safety to the true interests of the state, be dispensed with; and least of all at this time. What was the great point on which our ancestors bestowed, happily for us, so much of their attention, care, and labour, at the period of the Revolution? What, but that of restricting the prerogatives of the crown within the narrowest limits possible, consistently with the energy of the state? What have our ancestors been so much employed in, but that of examining the principle on which the prerogatives of the crown were granted? Why, my lords, it would be a little too much to argue, first, that we are right in recognizing the prerogatives of the crown as settled at the Revolution; and then, to say, that it becomes useless in the hands of a Regent, who must have as much occasion for it as the King can have, for it is for the benefit, not of the King, or of the Regent, but it is an energy given to the regal power of the sovereignty, for the benefit of the people! It would be a little too much to say it was useful in the hands of the King, and useless, if not mischievous, in the hands of the Regent. No, my lords, it must be always useful or always useless, in the hands of either King or Regent; and, surely, the noble earl will not say, there are any circumstances in the present times, or in the present state of affairs in this country, that call for a diminution in the energy of executive authority; or, if the noble earl were to undertake to establish the proposition, that the whole of the prerogatives of the crown ought not to devolve upon the Regent, that some of it would be useless, and some mischievous, what course would the noble earl be constrained to take? Why, that the energy of regal authority ought to be different in the hands of the King from that of the Regent—that what may be good and useful in the one case may be mischievous and useless in the other; that what ought to be exerted in full vigour, in the one, should be suspended in the other; for, that is, really, neither more nor less than the proposition which the noble earl has undertaken to prove.

Look, my lords, at the Resolution which is immediately to follow that which is the subject of our present debate, and then your lordships must see, that you are called upon to draw this conclusion, and to declare it; that there is, in the present time, some circumstances that make it matter of indifference, or rather matter of inconvenience, that there should exist, in this country, a power of rewarding merit. That, by the two first Resolutions you are called upon to suspend a power, which was never before suffered to remain inert in this country, a power which must subsist in every well-regulated community, and has subsisted every where, and particularly in monarchies; I mean, my lords, the power of calling forth, and of rewarding merit. But here it is proposed to you to provide means for making it the duty of a Regent to punish vice indeed, but to neglect virtue—to call upon him to be active in the exertion of his most painful feelings (a duty which, I admit, must be performed for the public good), and to suffer his most generous and noble feelings to remain dormant, the exertion of which also, I contend, is highly conducive to the public good. You call upon the Regent to be vigorous and active in every thing that is odious, and lifeless in every thing that is delightful to his feelings, to be vigilant in the punishment of the guilty; but, should he wish to comfort oppressed merit—should he wish to call forth to public notice obscure genius; or to put trust in humble virtue; here you are called upon to stop him. this would be a dangerous power to be given to a Regent! Such persons are to be considered as dangerous connexions, in which we are not to allow the Regent to judge. The Regent is to have every power except that, the exercise of which would delight him. It is saying to the Regent; "Whatever power the exercise of which is irksome, you shall have; but whatever is most agreeable, you shall be denied." My lords, I cannot think that such a measure will be assented to by your lordships.

But, there is another part of this subject which has been ably commented upon by a noble friend of mine, to which I must call your lordships' attention again, I mean this, supposing you should agree to the principle, that the two Houses of Parliament should dispense rewards to merit, then you have to consider the mode in which the prerogative of rewarding merit is to be exercised; for it is well worth your lordships while to consider the difficulties which will occur in drawing properly the requisite distinction in the different degrees of merit in which the two Houses are to judge, without any limitation, and that appears to me to involve something bordering upon absurdity; nor can your lordships conceive any thing more mischievous to the general interests of the public, nor any thing more hostile to the spirit and genius of the Constitution, than to see this or the other House of Parliament engaged in describing what the requisites are to constitute a character of renown, entitled to distinction for military enterprize, as a person who had conducted himself in such a manner as to call on the Regent to reward him; for your lordships will recollect that, although there may be some characters whose merit is so transcendant that nobody can doubt it; yet there may be merit justly entitled to reward, but the shades of which may be such as to make it impossible for a popular assembly, to distinguish them; and here, I think, the noble earl himself would find difficulty in making all the requisite distinctions between the different degrees and shades of merit, and without that distinction, it will be impossible to appropriate duly the reward. It is true, indeed, that we have among us those to whose valour you owe the conquest of Egypt: another, whose laurels have been earned in Spain; but there may be others who, although of less renown, and of inferior degree of merit; yet have just claims upon their country for distinctions and rewards, and this House would be most unfortunately placed, and so I think would the other House of Parliament, if it had to judge of the degree of reward to be given to every individual whose merit claimed it; and yet that will be the situation of the two Houses when they shall be called upon to judge, whether rewards have been properly, or improperly, bestowed on merit. I do beseech your lordships to consider the constitutional difficulty which you, and the other House of Parliament, will have to encounter in this respect, if you adopt the proposition recommended to your lordships by the noble earl. We are now called upon to use our own dispensation with the other two branches of the legislature, which, your lordships must know, is an anomalous course in the practice of the constitution, for it cannot be matter of information to your lordships, that the whole constitution of this country consists of several and various powers. Nor can it be new to your lordships, to be told that the various branches of the legislature, by their reciprocal controul and balance of each other, produce that energy which constitutes the firmness, and that symmetry which constitutes the beauty of that stupendous fabric, called the Constitution of England, and upon the preservation of which depends the safety of this country. Much of that safety, in its turn again, depends on the power of the crown or upon those who have the controul of the crown, or those who exercise the functions of the crown. The question then is, whether the present be a period fit for curtailing the power of the crown? I think it is not; for which reason I am against the proposition of the noble earl which proposes a curtailment so considerable as that of depriving it of the power of creating peers.

So much, my lords, for the curtailment of the regal power in this House. With regard to the other House of Parliament, it is true, that the Regent is to be allowed the power of dissolving that House, but that is the only controul which the crown has; for, over this House, it has no power, and I would venture to ask your lordships, whether you think it decent for you, considering the circumstances of the country, and particularly the present state of the regal power, to emancipate yourselves from the constitutional controul of the crown, which you do by assenting to the restriction against creating peers, by which you tie down and fetter the crown against any power to counterpoise yours, while you allow the crown power over the other House of Parliament, by dissolving it. My lords, I am sure that such is far from being your lordships' intention; but I must maintain, that such would be the effect of your lordships concurring in the vote which is now proposed to you; but there is still a further objection to your adopting the proposition of the noble Earl, and it is inconsistent with all the proceedings of either House of Parliament, as far as I am acquainted with their Journals—I mean with regard to a body of officers, none of which are under the controul of the Crown. Upon this point I presume the noble Earl forgot the habitual course of those officers, for they are not in any particular attendance on his Majesty, nor capable of seeing his Majesty, or of tendering any service to his Majesty at present; they are not a part of the general system of the country. I am sure that the first object his Majesty would look to, on his recovery—I mean his complete recovery, because nothing but his compete recovery can bring him into contact with these officers of state—I say, his first object would be to learn whether the officers of his household, and all those who had been attached to him from affection, had been under that sort of controul which is consistent with the interest of the country; that is, under the controul of him who has the direction of the government; and give me leave to say, that it is a little too much to propose that this matter should be taken out of, and diverted from, the general current of authority, and turned into another channel; but, perhaps, it is to be said, that this subject is to come under discussion hereafter, and perhaps too, that this restraint upon the Regent, with regard to the household, is to be taken off; that it may be seen, in the course of the year, how the Regent administers this part of his power; thus you are to sit in judgment upon the question of, how this prerogative of the Crown has been administered; and then I presume, you are to proceed to curtail still further that part of the prerogative, or to take some measure by which that part of the prerogative may be altogether done away. All which I say would be anomalous in our constitution, would be dangerous and alarming. My Lords, you are therefore to consider, that the Regent whom you are to trust with the most important authority—whom you are to trust with the management of your army of 300,000 men—whom you are to trust with the management of your navy, of 130,000—can you trust him with all these most important matters, and yet distrust him upon the subject of the management of the Household?—Can you believe him to have the countenance to deceive you in the latter, after you had trusted him with the former, and he had not deceived you in the most important powers?—"Vultus nimium lubricus aspici."—Why, my Lords, this reminds me of the story which is related of a great man of antiquity, who could manage the concerns of a great country, but who could not take any care of his own domestic concerns; and this restriction seems to proceed upon some such supposition as that, in the present restriction on the Regent, with regard to the Household; but here, my Lords, I would guard myself against the supposition that I intend to attribute to the noble Earl any intention to speak disrespectfully of the Prince of Wales—I mean no such thing; but it is important, nay it is proper for the noble Earl to consider the situation of the Prince of Wales, and provide against the adoption of any measure which may be an unnecessary restraint on his Royal Highness, and to consider what the discretion of the Prince of Wales recommends to him. Now, as to prerogative—what is the nature of prerogative in this case? There can be no danger in it, for if it were carried to any dangerous extent, it would immediately become the object of the attention of this and the other House of parliament. Here it is observable, that it is considered in these Resolutions, that to grant to the Regent controul over the army—controul over the navy—to these matters, great and important as they are, no suspicion is excited against the power of the Regent; but the moment it is proposed that the Regent should have the power of creating Peers and granting pensions, that is a power which becomes, at once, dangerous to the kingdom. I am sure that the noble Earl does not mean to insinuate any thing improper against his Royal Highness; but still I cannot help thinking there is something extremely whimsical in the constitutional jealousy of the noble Earl, which is confined entirely to the creating of Peers and the granting of Sinecure Places; I know not what the noble Earl may feel upon this subject, but of this I am convinced, that it would be entirely out of the power of the Regent, should he wish it, to make noble Lords swerve from their duty; but even this is an unnecessary observation, for his Royal Highness would be as far from wishing, as your lordships would be from complying with a wish, that this House should, at any time depart from the line of its duty. My Lords, let it be recollected, that if the noble Earl supposes the Prince of Wales may be so ill-advised as to be prevailed upon to adopt any measure hostile to our Constitution, the noble earl must also admit it to be as possible that the King should be as ill-advised as the Regent. If the one should be advised to act contrary to law, so the other may be advised to act contrary to law; so that the effect of evil advice, may be as dangerous in the case of the King as in the case of the Regent; for it would be as unnatural, but not more so, to say that the King would wish to place his second son upon the Throne instead of his Heir Apparent, as to say that the Regent would wish to prevent the return of his father to the throne. As to the Statutes of the 24th of Geo. 2, and the 5th of his present Majesty, which have been quoted as having a bearing upon the present question, it is observable, that they relate to cases of minority, which do not apply to the present case; but I would ask, is there in any one of those acts, or is there any one precedent that can be quoted, in which it is proposed to separate from the public authority, a body of persons who are to be out of the power of the Regent, either a Regent with a Council, or a Regent without a Council; for a Regency with a Council, is as likely to abuse its powers, as a Regency without a Council?—I ask, if there be any case in which that important prerogative, of creating Peers, has been separated from the Regal Power of the country? My Lords, we have heard much upon the subject of restraints on Regents, but I am confident there is no case in which the regal power, in whatever hands, has been so restrained.

Why then, my Lords, we come to the precedent of 1789, of which, be it remembered, that whatever might be the mode in which it was adopted, yet we are ignorant of the effects which it would have produced, for it never had a practical trial; it must therefore be admitted, even by its admirers, to be an imperfect precedent. I know it has been said, and it is an easy thing to say, that ministers have an authority to proceed upon that precedent; my Lords, without disputing that authority, with the noble earl, I would take the liberty of reminding him, who has rested so much upon the authorities of the authors of that precedent, that there were very great and venerable characters on both sides of that question; and it was a case which was not defended upon the principle, but on the expediency of it, and the expediency alone. The expediency of that day, and of the year 1811, are very different considerations. In the year 1789, the principles of the French Revolution had not developed themselves—principles which have since inundated Europe, and swept away all the governments and constitutions of almost all the states within it—all except our own, it has either swept away, or overturned—our constitution it has not been able to shake; a constitution which it is recommended to you to night, not to destroy indeed, but to suspend in some of its most important functions; but, before you do so, I think your lordships will be induced to pause. My Lords, the question is, whether you will address his royal highness the Prince of Wales, or settle that he shall be the Regent of this country, with sufficient powers, or with the want of sufficient powers, to do justice to that most important station? Do you expect less protection from the regal authority in the hands of the Regent than in those of the King? Do you expect of the Regent, less of vigilance—less of care—less promptness of attention—less vigour of execution—less watchfulness of public affairs, less anxiety for domestic comfort, than you would expect of the King? No, I can venture to say for all your lordships, that you do not. You look to the crown for protection in whomsoever the regal power may be vested, and which protection is the great recommendation to the monarchy. Why then, my lords, will you, after you have imposed on the Regent the burthen, withdraw from him the means by which, and by which alone, that burthen can be supported. Will you, after you shall have engaged and employed the attention, and the anxiety and care of the Prince—not for his, but your benefit—deprive him of the means of preserving your interests with effect? Will you, after you shall have placed the Prince upon a pedestal, undermine the ground on which that pedestal is placed?

My Lords, I will not dwell upon the frightful evils which such a course of proceeding would produce. I trust your lordships will concur with me in thinking that the last words of this Resolution, on the subject of making provision for the custody of the King's person, and providing, that an arrangement may be made, not only for the comfort, but also for the dignity, of that royal person, which during his melancholy affliction, is required, may be omitted; but, at the same time, it should be marked by that peculiar delicacy that may point out to every subject of his Majesty, that he is their Sovereign, shewing, at the same time, our care and solicitude for his Majesty. I trust, therefore, the House will agree with me in thinking, that after providing for the safety, the comfort, and the dignity of the King, the rest of the Resolution should be left out, which I move by way of Amendment, and which, I trust, will meet the general concurrence of all his Majesty's subjects. My Lords, it is with that feeling that I venture to move your lordships, that at the end of this first Resolution, the words—" subject " to such limitations and restrictions as " shall be provided," be left out.

Lord *Sidmouth* said, that objecting as he did, to the Amendment, proposed by the noble marquis, and to the arguments by which it had been supported, he did not mean however to enter into a minute consideration of the speech which their lordships had just heard.—He rose for the purpose of refreshing his own mind, by submitting to their lordships the view he had taken of the momentous subject then under discussion. He found it indeed impossible to remain silent, when such a question was to be decided, as the mode of administering the government of this country, in the name, and on the behalf of the King, who had sunk under the pressure of domestic calamity, and had been disabled for a time by the feelings of a father from performing the functions of a sovereign. Some persons, he knew, were of opinion that from the consideration of this subject all personal feelings should be excluded. To such an opinion he would not conform, being fully convinced, that in deciding some of the points then under discussion, these feelings would be useful auxiliaries to the judgment, and he should only take care that they did not lead him out of the plain and direct path of public duty, which he was determined to pursue.

Our situation he admitted to be calamitous: but amidst the gloom with which we were surrounded, it was impossible not to find relief and satisfaction in the reflection, that the constitution possessed within itself the means of providing for the exigency. True it was that in all communities, whatever might be the various forms of their municipal institutions, every right not taken away by positive law, nor cancelled by immemorial usage, remained inherent in the people. Upon the people, therefore, at the present melancholy conjuncture, had devolved the right of supplying the defect in the personal exercise of the royal authority; but the constitution wisely required that it should only be exercised through the medium, and by the agency of the estates of the realm, as represented in the two Houses of Parliament. It accordingly belonged to their lordships and to the other House, to provide an efficient executive power during the disability of the King. But the possession of a right and the duty of exercising it, had not been considered by their lordships as synonymous: they had manifested upon this occasion a delicacy, not weak and unbecoming, but wise and constitutional; they were committing to record upon their Journals the incapacity of their sovereign: and they well knew that to indicate a facility in transferring the functions of royalty, would be to create the danger of letting down royalty itself in the estimation and respect of the people. They had accordingly paused from week to week, in the ardent hope that such a proceeding as the present might be averted by the cessation of his Majesty's disorder. This hope had been unhappily disappointed: and it had, therefore, become necessary for their lordships to institute an enquiry into the state of his Majesty's health. The report of the Committee appointed for that purpose was upon the table, and formed the basis of the Resolutions then under consideration. Those Resolutions were founded upon the fact of his Majesty's incapacity to come in person to his parliament, and to attend to any kind of public business, and likewise upon the strong probability of which each of the physicians had expressed his conviction, of his Majesty's recovery. The melancholy fact of incapacity so established imposed the duty of providing without delay the means of supplying the defect in the personal exercise of the royal authority; and to his royal highness the Prince of Wales, the opinions and wishes of the two Houses representing the estates of the realm, were unanimously directed for the accomplishment of this great object. It was, however, upon the probability of his Majesty's recovery, resting as it did, on the same testimony as that which declared the incapacity, and which was therefore entitled to the same credit that the proposed limitations and exceptions were founded, and by which alone they could be justified.

Those who had compared the report upon the table with the reports of 1788-9 must have been struck by the far greater degree of confidence with which the probability of recovery was asserted on the present, than it had been on the former occasion. The circumstances of advanced age, and failure of sight, which by many had been deemed unfavourable, did not appear to be so considered by the physicians now attending his Majesty, and as an additional ground of hope, particular stress was laid upon the fact of his Majesty's having three times recovered from a malady of a similar description. It was also not immaterial to remark that in the former instance all the physicians, with the exception of Dr. Willis, upon being asked whether they could state any assignable cause for his Majesty's indisposition, answered in the negative: Dr. Willis indeed ascribed it to a life of extreme bodily and mental exertion, accompanied with a diet too abstemious, and too little rest during a period of twenty-seven years. A statement the most formidable; as it was justly to be apprehended that the duration of his Majesty's illness might bear a proportion to the period in which the causes of it had been accumulated. In the present instance all the physicians had concurred in imputing the indisposition of his Majesty to the agitation of hope and fear during the protracted illness of a beloved daughter: and all had declared that the circumstance of there being such an assignable cause was highly favourable to the prospect of recovery. It belonged indeed to affection to feel the extreme of agony from suspence, as it did a mind endued with fortitude and piety, to be tranquillized by certainty, and to yield with calmness and submission to the immutable dispensations of Providence. From this comparison, which might be further extended, it was evident that the probability of recovery, and at no distant period, was greater on this occasion, than on the former: and it was to be constantly borne in mind that the justification of limitations and exceptions was admitted now, as it had been admitted then, to be stronger, or weaker, according to the greater or less probability of his Majesty's recovery.

In the agitation of the whole of this subject, the two principles upon which the mind should be constantly fixed, were, 1st, That the King was still upon the throne, and that his political capacity was unimpaired; and 2ndly, That the right which had accrued to the two Houses of Parliament upon this occasion was founded solely upon necessity, which controuled and limited the authority it had created. If these principles were sound, he was entitled, and bound to ask upon what plea of necessity it was proposed to transfer to the Regent those functions and prerogatives which it was intended by the Resolutions to withhold? It had been said by the noble marquis who spoke last, that it was proposed to throw a burthen upon the Regent, without granting him the means by which alone it could be supported. Would it however be seriously affirmed that the government of this country could not be carried on, unless those branches of the prerogative which it was proposed to suspend for one year, were not instantly granted? He must contend that such a view of the purpose for which those prerogatives existed, was narrow, and unconstitutional. The noble marquis had also observed that it was by the energies of the British constitution, that this country had been enabled to resist and surmount the dangers arising from the Revolution in France. But did the noble marquis mean to assert, that amongst those energies the prerogative of conferring peerages and places and pensions, for life, was to be considered as one of efficient importance; and that the means of resistance would have been unavailing, if those prerogatives had been in abeyance for a single year? Had it moreover been sufficiently considered what was the degree of authority and influence which the Regent would actually possess? He would of course have the choice of his ministers:

the power of dissolving parliament; the patronage of the church, the law, the army, the navy, and the revenue; and it might not be unimportant to compare the extent of that patronage in some respects at this time with its amount in 1789.—Then the army did not consist of 50,000 men; it was now little short of 300,000; the number of our seamen was then 18,000; it was now 145,000; and that of our ships and officers in proportion: the amount of the revenue was then about 14,000,000; it was now near 70,000,000; And would it then be gravely reasserted, particularly by those who had been in the habit of commenting upon this amount of patronage and influence as formidable to the liberties of the people, that the means of carrying on the government, would be insufficient, if the prerogatives in question remained in a state of inaction for the period of one year? On this point he would dwell no longer; were it not for the respectability of the quarters from whence the plea which he had combatted had proceeded, he should be tempted to say that its extravagance was such as to render it unworthy of observation. The only other argument upon which the objection to the proposed limitations as far as respected the peerage appeared to be founded, arose from an apprehension that, in the language of his noble friend who spoke last, it might emancipate that House for a time from all constitutional controul; in other words, that in the course of the ensuing year, if unhappily his Majesty's indisposition should continue so long, there was a danger that a majority of their lordships might enter into a factious opposition to the government, and avail themselves of the restrictions which they had imposed to thwart with effect the measures of the Regent whom they had chosen; that in such a case there would be no remedy. Such a supposition, he must say, was too opprobrious and improbable to be admitted; much less could it be made a ground of legislation. He contended on the contrary, that to the temporary authority of the Regent, the danger arising from the proposed limitations was far less formidable and less probable than the want of them, would be to the government authority of the King. It had been admitted that whenever power was conferred it was right and necessary to guard against the possible abuse of it. Was it then uncandid or unreasonable to suppose, that the advisers of the Regent might be desirous from motives in themselves unexceptionable to acquire additional weight in one of the branches of the legislation? Might they not be actuated by a wish, in itself, not only, not reprehensible but laudable, to improve the prospect of carrying into effect, principles and opinions, which they might deem essential to the interests of the country? But farther, was it unwarrantable to suppose that there might be persons in the councils of the Regent, and his lordship here positively disclaimed any reference to individuals, who from selfish motives, or for party purposes, might be eager so to avail themselves of a short interval of authority, as to acquire a lasting influence in parliament and the state; and would not an incentive to such an abuse, be found in the uncertainty of their own power, and in the probability of its early termination? It was therefore incumbent upon their lordships to prevent the embarrassments to which their sovereign would be thus exposed upon the resumption of his authority; embarrassments which could only be counteracted by the increase of an evil, already felt, and deplored by every friend to the constitution; and which threatened to attain a magnitude, which would really place this House out of the reach of constitutional controul: He therefore contended that the transfer of those branches of the prerogative, which it was proposed to withhold, had not been proved to be necessary, and that if not necessary, it could not be made, without the assumption of a power, which their lordships did not constitutionally possess; that on the one hand the probability of embarrassment to the authority that was to be considered as permanent, was far greater than to the authority, which on the other, was to be regarded as temporary. Accordingly his sense of public duty, arising out of the most obvious considerations of expediency, and above all, out of the nature and extent of the right and power which had devolved upon their lordships, and to the other House on this occasion, left him no doubt whatever respecting the course, which it was incumbent upon him to pursue. In referring to the fifth resolution, his lordship expressed his satisfaction on finding it to be the intention of the noble earl (Liverpool) who spoke first in the debate, to move for the restoration of it to the form in which it stood in the year 1789, with one modification only, which had been introduced in the other House. The modification to which he alluded, seemed to him to be perfectly proper, as the power of removal from the offices of the houshold by the illustrious personage to whom the care or his Majesty's person was to be entrusted, might unquestionably be a source of influence highly inconvenient and embarrassing to the government of the Regent. He must however strongly object to other alterations introduced elsewhere into the same Resolutions; because they would place his Majesty in a situation, in which there would be the appearance of less consideration for his dignity and comfort, than that which was manifested on the former occasion. The noble marquis had observed that the difference in the persons composing the household, would be wholly unimportant to his Majesty, during the continuance of his indisposition, and that they might be removed as soon as a complete recovery should have taken place. Was there, however, no intermediate state between the one, and the other, which was worthy of consideration? Might there not be an interval between the first indications of recovery, and its completion, in which the keenest mortification might be experienced by the knowledge that many of the offices of the household were filled by persons to whose attendance his Majesty had not been accustomed, and who had not been of his own selection and appointment? For this reason amongst many others, he deeply regretted the change which had been thus made in the fifth Resolution; and earnestly hoped that the Amendment, of which his noble friend (the Earl of Liverpool) had given notice, would be adopted by the House.

There was only one other point, upon which he would trouble their lordships with any observations. It was the degree of asperity with which his Majesty's ministers had been treated for their conduct on this most difficult occasion. What he said arose solely from a sense of justice, as his own conduct had no reference to the individuals in the government, and was exactly the same as it would have been if any other persons whatever had held the same situations. But he must say that he should have thought them the most presumptuous of men if they had ventured to set up their own opinions in opposition to the proceedings of a former period, sanctioned as those proceedings had been, not only by high authorities of that day; by the late earl of Camden, and lord Thurlow, Mr. Pitt, and a noble baron (lord Grenville) then filling the first station in the other House of Parliament (whose recorded sentiments afforded a model of constitutional wisdom, and of the most powerful reasoning) but also by the approbation of the sovereign, the support of the two Houses of Parliament, and the applauding voice of an immense majority of the people.

His lordship concluded by saying that he should vote against the Amendment proposed by his noble friend, because it appeared to him to overlook or to disregard the distinction between the temporary authority of the Regent, and the permanent authority of the King: but as in his opinion, the original Resolution comprehended what was due to both, it had his entire and cordial support.

Lord *Erskine* said, that he entirely concurred with his noble friend who had just sat down, that all the proceedings of the Houses of Parliament ought to be founded upon the necessity of the case, and that it was a case justified by that necessity to supply the defect in the royal authority; but he was quite at a loss to conceive how the repeated delays which his noble friend had approved of, could be so supported. The King's incapacity was admitted to create the necessity which bestowed the right, and which annexed the duty of filling up the royal power, and the moment therefore that the incapacity was adjudged, not a moment ought to have been lost in preserving entire the functions of the government. The probable duration of the King's indisposition could have no possible bearing upon such a duty, more especially when no probable period could be assigned for the recovery. The most instantaneous proceeding in such a case, whilst it kept at a distance all dangers to the constitution, could not retard or by possibility affect that restoration to his Majesty's health, which was alike the wish of all his subjects. But supposing the probable period of the malady to be a proper foundation for delay in the constitution of a regency, he was sorry to be obliged to say that his noble friend had no ground for assuming an earlier recovery than in 1788, when the proceedings were immediately; the physicians had not ascribed the illness of the Princess as the sole cause of his Majesty's complaint. It no doubt had produced it, which served if possible to encrease the sympathy of every human heart, but it was stated by Dr. Willis to have only brought into action the malady to which the King (there existed a predisposition) had been subject, to future attacks of which his Majesty would be probably liable. He knew, he said, that the discussion of, or even the allusion to this delicate consideration could not be pleasant to any one; In speaking to their lordships upon it, he felt as if he were addressing a large and affectionate family anxious for the safety of their common parent, and who could not be expected to welcome any thing which cast a damp upon hope; but their lordships had a great public duty to perform, and he could not conceive any topic more inseparably connected with it. His Majesty being subject to a return of illness after a happy recovery could in no way affect his Majesty's return to the full exercise of his authority, which was stated as the sole reason for all the restrictions contained in the Resolutions, but it appeared to him to render necessary the earliest consideration of some permanent rule of regency, to avoid the consequences of a similar calamity, by which the principles of the government might be shaken, and by which this country might be exposed to the greatest disasters.

As to the particular restriction on the creation of Peers, he should be much surprised if it received the sanction of their lordships. The only reason given for proposing it in the House of Commons, was to secure his Majesty's return to the royal functions upon his happy recovery, and the very same reason and the same only had been also given to night by the noble secretary of state. (Here lord Erskine read from a paper the words of lord Liverpool which he had taken down.)

He repeated, that he was utterly at a loss to comprehend what possible difficulty could attend the resumption of the King's authority at the happy period of his recovery, and how it could be better secured (if any difficulty existed) by restrictions on the Peerage? It had been said on a former night by his noble and learned friend on the woolsack, that his Majesty had not the same security upon such a melancholy occasion as belonged to the meanest of his subjects. He could have no inquisition. He had the highest of all inquisitions. He had the two Houses of Parliament which had the most paramount authority, and from both of which his Majesty during his long reign had received so many proofs of affectionate attachment. What possible protection could be greater than the inherent protection of the King's title, supported by the guardian protection of parliament. But it seemed that that protection was not to be depended upon without the restrictions on the Peerage. This might be an argument in the House of Commons, but it was a direct and palpable insult to the House of Lords. There was a way in which men might be insulted collectively, which no individual would submit to. He was contented like others to look at the Prince of Wales in the abstract, and to forget all the honour which distinguished him, but in what light was he to consider their lordships? If it were to be insinuated by any body to any lord now in the House, that for an advance in the Peerage he might be tempted to vote his Majesty incapable against the full evidence of his recovery, and the testimony of his own conscience, no answer could be given but a blow. It would be the grossest, the most brutal and the most unfounded presumption of human infirmity. Yet upon no other ground whatever was this proposed restriction introduced; no other reason had been assigned for it, no other reason than a possible majority of the whole House of Lords, to such a shocking and nefarious proceeding. Yet for this the constitution was to be palpably violated. It had been properly admitted in a former debate on both sides of the House that the present conjuncture had nothing of the character of a revolution, and that nothing was to be supplied, but the executive power: not a new executive power, which might be abridged or altered upon a revolution, but the King's legal office supported by the King's legal prerogatives. By what jurisdiction then could the Houses of Parliament alter or abridge them, until the royal office was filled to abridge or alter them by the authority of law.

He never, therefore, could possibly subscribe to the precedent of 1788. But even if for argument's sake the authority were to be admitted, the principle of expediency could never with justice to the authors of that precedent be applied to the present period. The differences were so striking, and had been so often enumerated, that it was unnecessary to repeat them. He had always differed from the late Mr. Pitt, upon the policy which characterised his administration; but he had at the same time so high an opinion of the powers of his mind, and of his skill in considering the public sentiment upon any great occasion, that he could not help firmly believing that if Mr. Pitt himself had been now living, the proceedings of 1788 would not in the present respect have governed his conduct. He should therefore vote for the noble marquis' Amendment.

The *Lord Chancellor*, in rising to state his opinions to their lordships, felt forcibly all the difficulty of deciding upon the question under consideration, but in delivering his sentiments upon it, he begged to be understood as not being influenced by any feeling of opposition to any man. He had a great and important duty to perform, and in addressing himself to their lordships on such an occasion would violate that duty, if he were not to state plainly his own opinions upon the question. Without arguing as to the expediency of the discussion of what had passed in 1788, he would say, that the proceedings at that period appeared to him to afford a complete precedent as to the subject matter now in debate; relative to the mode of appointing a Regent with greater or less powers. He was ready then to state, what he had on a former night stated, that, as the law adviser of the crown, he considered that that precedent was fully established by the sanction of the King's Commissioners, the same authority which gave to several bills then before Parliament the validity and force of Acts of Parliament at this day. But he was ready to admit that the precedent was not so complete with respect to the subject of the debate of that night as it was with respect to the mode of appointing the Regent. Upon this subject, the House of Commons had proposed and passed a measure, which, however, had not received the sanction of their lordships' authority. As an individual he should state it as his opinion, that, on general principles, no Regency had ever been or should ever be appointed in this country without restrictions. This he should argue, not only on the principles of the constitution, but on the ground of such a maxim, being intimately connected with those principles which placed his Majesty's illustrious family upon the throne, and which he trusted would ever preserve them there. If any Regency had been appointed with restrictions since the revolution, he must say, that his mind was incapable of forming an opinion upon such subjects. As to the cases which had occurred since that event, he should now proceed to analyse them. The Act of the 24 Geo. the second provided for a Regency which might have continued not less than six years; the Act of 4th Geo. the third provided for a Regency which might have continued twelve years. He must beg their lordships then to keep these two facts in their recollection, as necessary to enable them to decide upon a measure which, he trusted in God, it might not be necessary to act upon.

With respect to the cases previous to the revolution which had been referred to and relied on with so much confidence, he begged to remind their lordships that the Act of Queen Anne only gave the administration of the government to the Regency; whilst the Act of Philip and Mary was to give the powers of the government to Philip in trust for and on behalf of the issue of Mary during their minority. Whereas the act of the 24th of George 2, an act which had been drawn up by the eminent and able lawyers of that day, whom he had ever admired and respected, and whom every man acquainted with the occurrences of that period must respect and admire—men, amongst whom were lords Mansfield, Northington, and Camden, that act provided for a Regency with limited powers. That act, and the act of the fourth of George 3. gave powers under the stile of Regent, which were unknown to the common law.

And upon this point he agreed intirely with Lord Thurlow, who sitting upon the woolsack in that House had declared and well and truly declared, that there was no officer as a Regent known to the common law of this realm, and that it was merely the creation of a Statute. The Acts of George 2, and George 3, if he understood them, appointed a Regent to exercise a trust under responsible advisers. In the first place, they severally enacted, that a council consisting of ten, should be given to the Regent not to advise but to control him. He had no authority to do any important act of state without the assent of the major part of that council; and that majority was never to be less than five. He should like to know whether any stronger power of restriction could be devised. The act of the fourth of George the third restricted the Regent from granting Pensions or Peerages, from appointing Secretaries of State, Lords Commissioners of the Treasury, Lords Commissioners of the Admiralty, Masters of the Rolls for England and Ireland, Lords Chancellors for either, and several officers specified in the act. These restrictions could not be removed but by an address of both Houses of Parliament. This latter act no doubt designated the princess Dowager of Wales for sole Regent, but under the limitations and restrictions which he had enumerated. The Noble Lord, therefore, could not contend that limitations might not constitutionally be imposed.

Those noble persons with whom he had acted, at the period to which he had before referred, must surely have changed in principle, and in the habits of thinking, if they were now prepared to deny that limitations on the authority of a Regent could be constitutionally imposed. The particular shape in which they were offered at present might differ from that of 1789, but that it was competent to parliament to enact such restrictions was a point of so distinct and prominent a nature, as to render it impossible that any material alteration could have taken place in the opinions of those, who so decisively recognised and approved it at the former period. But how was that precedent supported? The 6th of Anne had provided, that lords justices should govern the realm, during a certain interval contemplated in the act, but it had certainly never been in the contemplation of parliament that they should exercise in any latitude the whole functions of sovereignty. So little of the royal character were they entitled to assume, that it was enacted, by one of the clauses of the bill, that the penalties of high treason should be annexed to the commission of certain specific acts from which they were debarred. So much for that precedent on which so much stress had been laid. If the House looked to the cases of the protectors, they would find no instances of an unrestricted Regent. Nothing like the full and entire possession of the regal office had ever been entrusted to any person acting only in the name and on behalf of the reigning monarch. The act of Philip and Mary vesting the Regency in Philip, enacted that he should hold the government on the demise of the Queen, during the minority of her heir. He was therefore merely intended to be Regent, and to exercise the royal prerogatives, not for himself or at his own discretion, but on account of the Prince, of whose minority he was to be the guardian. All the precedents since the Revolution further concurred to strengthen him in the conviction, that as a peer of parliament, and consistently with the allegiance which he owed his sovereign, he was justified in voting for these Restrictions, which appeared to him expedient to be provided. It was far from his views and principles to forget or overlook the importance that belonged to the prerogatives of the crown, "I am," said the noble and learned lord, "the subject of a monarch limited by the laws, and by my seat in this House am qualified, and in duty bound to discuss the propriety of imposing limits on any temporary trust of the powers of the executive."

Where a Regent by the constitution of his office owed his appointment to the two Houses, it was impossible to entertain a doubt that the two Houses could measure and limit the authority which emanated only from themselves. He needed not to say any thing of the practical difficulties that existed; there was not a man among their lordships; who could fail to appreciate them justly; there was not an English heart in the country that could fail to do it, or withhold its sympathies, as to their melancholy cause. A noble lord had compared the unhappy situation of his Majesty to that of a subject suffering under a similar severity of affliction, and he would venture to say, that should the amendment proposed that night be carried, his Majesty would be deprived of the consolations common and attainable to the meanest of his subjects. (Hear! hear!) "It is," said lord Eldon, "the pure and current doctrine of our history and constitution, that the politic eye of the Sovereign cannot see the frailties and infirmities of the mental man. And if the recovery of his Majesty's health be the object of an anxious and a wise solicitude, how does it behove us to guard against any decision which may infringe the united obligations of public principle and private feeling." There might be men, he was not prepared to deny, who, in the strictness of abstracted doctrines, or in the breadth and universality of their philosophy, were capable of forgetting the personal feelings of the man in the discussion of the political and constitutional interests of the sovereign. Some noble lords had boasted that they considered the Prince of Wales without any reference whatever to the individual; but although this doctrine may be very fine in principle, it amounted to a species of philosophy, the possession of which, practically considered, he had no disposition to regard with envy.

With respect to the disposal of the Household, he should only observe that it ought always to be borne in mind, that the officers were never appointed by his Majesty, and of course not necessarily dependant on him. Scarcely a menial servant owed his situation to the King; he might say that his Majesty did not receive even a clean shirt from any person selected by himself. Supposing, however, the case of an interruption of the Kingly authority for six weeks, as it might be of four or of two, would any necessity be asserted of supplying the means of the full exercise of all the prerogatives of the Crown? Would it be said, that for this period any danger or inconvenience could arise from permitting some of them to be dormant or inactive? And if no such danger could be apprehended, was the definite extension to so short a period the legitimate source of alarm? A noble Lord, whom he did not then see in his place, had thought the precedent of 1788 inapplicable; were that noble Lord present, he would ask him to what precedent he would look, in the case of the Regent's death (hear! hear!)? Was not this a possible case, and one proper to engage their lordships' attention? Looking to such consequences, he must refer to the provision made at the more recent periods of our history, to the 24 Geo. 2. and 5 Geo. 3. What, if their lordships had begun to act in 1789, as it was then recommended by the noble lords on the other side, and had surrendered to a Regent the unfettered exercise of all the royal prerogatives? Yet, at that period the most sanguine of his Majesty's advisers did not entertain hopes of his recovery, with any comparison so confident as they were now authorised to indulge. Had they so alienated the appropriate functions of their monarch, he was bold enough to say, that the resumption of his royal authority must have been impeded. It was now, he must remind their lordships, no longer said, that the powers of the Crown were too great, that its influence had too extensively increased, sentiments with which he unquestionably had never accorded; but on the contrary a new position seemed to be taken, namely that the authority of the Regent could not be left too unlimited. He would simply ask, whether it was fitting that all the cautions taken, and all the barriers established in 1788 ought now to be neglected and overlooked, and a new system of arrangement founded on principles subversive of the former, introduced? And this at a period, when the restoration of the King's health was an event more within the scope of probability than before. He wished that noble lords would take into their conscientious consideration the reflections which these topics suggested; he had endeavoured to impress them with all the energy which he possessed, and was satisfied at least with discharging what he felt to be a most solemn and important duty. He would put it, and confidently put it to noble lords; whether, if they were in the beginning of last week in the same situation as on the 20th of February, 1789, they would not have had much lesss hopes of his Majesty's recovery than they had last week. Yet, though on the 20th of February a commission had opened the Parliament under the authority of the Great Seal, on the 10th of March the happy recovery of his Majesty was notified to Parliament. The statement which he had thus humbly submitted to their lordships appeared conclusive to his mind: those noble lords who concurred with him would support the Resolutions moved by his noble friends; those on the contrary who differed from him in his view of the subject would agree in the address.

Earl *Spencer* declared his sense of the magnitude of the question on which the House was called to decide, but could not be of opinion that the bias of personal feelings was at all necessary to enable them to come to a proper determination. He disliked the argument founded on their previous adjournments—for he had opposed that delay which was thus used as operating in favour of continued protraction. He trusted that he was not less sensible than others of the sufferings which all classes united to deplore, and that the expression of opinion in that House would never be so far perverted as to justify insinuations against any noble lord's humanity. He could not help regarding the speech of the noble and learned lord, as built entirely on a fallacy that accompanied and pervaded every branch of his argument. That noble and learned lord had argued from the regency acts of Geo. II. and Geo. III. that no regent had ever existed in the eye of the law, without restrictions. The noble and learned lord seemed to be forgetful of the distinction between a prospective limitation of powers to be entrusted, and a limitation on the actual exercise of authority. He had also studiously abstained from any attempt to shew that the power of creating peers had not always existed since the revolution, however that power might have been vested. It was true that councils had been appointed, but in all those cases there had been no restrictions, and the permanency of the sovereign power was unimpaired. He was one of those who thought, however rash and unfounded the opinion might appear, that many sinecures and pensions might be withdrawn from the royal patronage with advantage, when the King was seated on his throne, which ought not to be taken from the Regent holding only a temporary authority. He would attack the royal prerogatives in their vigour, not in their weakness and suspension. Last of all, would he attempt to injure the noblest of them all, the highest and brightest ornament of sovereignty, whose lustre he hoped would never be tarnished by any interruptions or temporary difficulties. It was a point on which he was not delivering a sudden or premature opinion; he had thought deeply on the question in 1788-9, and subsequent consideration had served to confirm his adherence to those opinions of which he now felt himself called on unexpectedly to renew the expression.

[Several noble lords rising together, a short conversation took place with respect to the right of priority, which was at length determined by lord Walsingham, the Chairman of the Committee, in favour of the earl of Selkirk.*]

The Earl of *Selkirk* opposed the Amendment. The question being now upon the general principle of Limitations, he would not enter into any discussion of the criticisms, to which some of the Resolutions might in their details be open: he would only observe, as to the 5th Resolution, that he was satisfied with it, as it had come up from the Commons; and he must oppose the Amendment of the Secretary of State, if it went to vest a material branch of the patronage of the crown, in other hands than those of the Regent, who is to exercise the functions of the crown.—With these qualifications, he approved of the general principle of the Resolutions, which did not seem to him to go beyond the necessity of the case.—The propriety of limitations followed, as a necessary consequence of the temporary nature of the power of the Regent. Some of the prerogatives of the crown were such, that they could not be safely vested in any but a permanent authority. This was particularly the case, as to the right of creating peers—one of the most delicate of the powers of the crown, and so peculiarly liable to the suspicion of abuse, that at no very remote distance of time, a proposition for a permanent limitation of this branch of the prerogative had actually received the sanction of the House. That proposition, indeed, had ultimately been rejected; and with great propriety: but on what principles had it been rejected?—The main argument against it was, that the crown, from a regard to its own permanent interests, must be cautious in the exercise of this prerogative; since every instance of excess must tend to derogate from the importance and efficacy of the prerogative itself in future: an argument which would have been wholly inapplicable, if the crown had not been a permanent authority. This prerogative was also on the same occasion, defended as necessary for preserving the balance of the constitution, against the effects of aristocratic combination—an important object, certainly, but one, which can only come into view on rare and extraordinary occasions. It would be extravagant to suppose that in this view any serious danger can arise from suspending the exercise of this prerogative for one year.—Upon the whole we are justified by the analogy of the constitution, in presuming that our ancestors would never have vested this power in the crown, except on the ground of its permanancy: and it is a natural conclusion from this, that it ought not to be included in a temporary delegation of the royal functions.—The noble earl fully admitted the principle laid down by the noble marquis (Lansdowne) that the prerogatives of the crown had been vested in it for the benefit of the people, and were necessary for their security; and the argument, which had been founded on that principle, that it was necessary to preserve these prerogatives entire in the hands of the Regent, would have been unanswerable, if the question had now been concerning the establishment of a permanent Regency; but it was not applicable to the case of a temporary delegation of authority, where some deviation from the principles of a permanent government becomes unavoidable.—The consequences of this important distinction had been overlooked by the noble marquis: or rather perhaps, he took it for granted, that the Regency must be permanent: yet the evidence certainly did not warrant such an assumption. It had been said, indeed, by a noble and learned lord (Erskine) that we ought to settle the Regency on permanent principles, because it was stated in evidence that in the event of his Majesty's recovery, there would still remain a danger of future relapses. This circumstance must be admitted to open considerations of great importance: but they did not belong to the present discussion. No contingent probability of relapse could justify us in assuming, contrary to the evidence, that his Majesty's present indisposition is likely to be permanent; and that is the point by which our present determination must be regulated.—The danger of relapse may indeed hereafter deserve the serious attention of Parliament: but before any national inconvenience can possibly arise from this cause, a constitutional remedy for the evil, will come regularly within the competence of Parliament.

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* The following is a correct statement of the circumstances which took place upon this occasion, and they are material, as having settled an important point with respect to the internal regulation of the House. After an interval of vociferation from various parts of the House, usual in such cases, an appeal was made to the Chair; in answer to which lord Walsingham said, that he did not consider himself as having any authority to call upon one noble lord to speak in preference to another, that being a question which the House alone could determine. Several noble lords spoke to the point of Order, concurring generally in the opinion, that though by the rules of the House, this question rested ultimately with the House, and the Chancellor, or Chairman in Committees, had no absolute right to determine it (as the Speaker of the House of Commons has); yet that the noble lord in the Chair or on the Woolsack ought, in the first instance, to point out the noble lord who appeared to him to have risen first, and to adjudge the preference accordingly; though always subject to the pleasure of the House, in case an appeal should be made against his determination.

The Earl of *Clancarty* did not present himself to the notice of their lordships from having the vanity to suppose that he could advance any thing of considerable importance in the present discussion, untouched upon by other noble lords. But he was desirous of not giving a silent vote upon the Resolutions sent up from the Commons, and to explain the ground upon which his conduct should be governed, because, the line which he should think it his duty to pursue, was not upon the whole in agreement with those who had spoken on either side of the House.

He agreed with, and was ready to adopt the Resolutions of the lower House, as they were sent up, and now lay upon their lordship's table.

He conceived, that placed in the situation in which their lordships stood, they had a double duty to perform, first to supply the temporary defect in the exercise of the royal authority, and secondly, and in concurrence with this, and so far as might be consistent with the public weal during the short interval for which they were to provide, so to guard against the abuse of power during that interval, as to prevent the acts of a temporary, and as it was hoped, on all hands, a short government, from embarrassing and impeding the march of the permanent authority, when it should please Heaven to restore his Majesty to the personal exercise of his royal functions.—The bare statement of the principle appeared to him to carry conviction with it of the necessity of its adoption.—No man was less in the habit of making professions than he was, he was, however, quite as ready as those who had the good fortune and distinction of being honoured with his confidence, to acknowledge the virtues of his Royal Highness, and he was willing in the fullest manner to admit it as his firm opinion, that if the whole of the regal prerogatives were vested in him without restriction, they would be exercised with the greatest degree of moderation and forbearance; nay, he would go further and state his belief that the advisers of his Royal Highness, whether selected from the one, or the other, or from neither side of the House, would, under such circumstances, be disinclined to abuse the unrestricted authority of their principal, and why? because it must be obvious to them, that their moderation and forbearance would be the only means by which they could carry with them the public feeling, or acquire to themselves the good opinion of the country.—But their lordships were not met for the purpose of paying compliments, or of acting upon probabilities; they were not, as it had been properly remarked, assembled there for the purpose of making a King, but for that of supplying during an interval, which all hoped would be of the shortest duration, the exercise of such of the royal functions as might during that interval be necessary to be exercised for the public interests.—The necessity of creating Peers, or granting places usually held during pleasure, for life, and bestowing reversionary grants, could not be set up as requisite during the interval; and it could not be denied that the exercise of powers to do both, might unless restrained be abused, and if abused, would necessarily embarrass and impede the due progress of the permanent government of the King, when the exercise of his legitimate authority should again come to be personally exercised by him.—Acting therefore under a right created by, and limited by the same necessity which gave it birth, it was the bounden duty of their lordships, responsible as they would be, for any abuse which might occur, not to act upon probabilities, but on certainties, and to withhold in the present instance the possibility of acting otherwise than consistently with the permanent interests of his Majesty's government, and those of the country at all times inseparable from them.

Abstracted therefore from all precedent, if this was an intire new case now to be discussed for the first time, he should have no hesitation in advising this course to be pursued, and supporting a line of conduct thus founded in principle.

Upon the subject of precedents he should say but little; he perfectly agreed with a noble viscount (Sidmouth) on the cross bench, that with the precedent of 1788-9 upon their journals, ministers could not otherwise have acted, than by taking this precedent as the foundation of their proposal to Parliament.—He should not detain their lordships by attempting to re-argue the statutable Regency enacted in parliament, which had been so ably noticed by the noble lord who usually sits on the woolsack, all of which, however, he contended were strong precedents in favour of Restriction.—But a challenge had been thrown out on the other side, and especially by a noble earl who spoke early in the debate (Carlisle) to produce a single instance in which all the powers and prerogatives of the crown were not parted with by Parliament, and vested in those who were to conduct the Government during the incapacity or suspension of the royal authority in the King. It might, he observed, be a sufficient answer to this challenge, to say, that there was not a single instance in the records of our history where the whole executive authority and prerogatives of the crown were ever vested in a single person other than the King. But, he asked, is the case as the noble lords have supposed? Is there no instance of the Parliament having withheld parts, nay even perhaps the whole of the royal prerogatives? He did not adduce what he was going to have the honour of presenting to their lordships as a precedent for the House to follow in the present proceeding, but merely as an answer to the challenge of the noble lords opposite, and directly in point to the principle of restricted Regency. If the rolls of Parliament were searched with any degree of accuracy, during the minority and subsequent incapacity of Henry the 6th, it would be found that Parliament retained, if not the whole, certainly the greater part of the royal prerogatives in their own hands. It is true indeed, that in the former instance the administration of government was vested in the dukes of Bedford and Gloucester, as protectors or chief of the council, and a council named by the upper House; and in the latter, in Richard duke of York and a council similarly appointed.—But there was a wide difference, as had been justly reasoned by the noble and learned lord (Chancellor) between investing the power to administer the government, and placing the whole powers and prerogatives of the crown at the disposal of any man, or set of men.—Accordingly during all those times we see the Parliament disposing of places, of pensions, granting an allowance of booty captured in war, thus meddling with the highest functions of the crown, as those connected with the exclusive prerogative of peace and war, and further in the instance of sir John Cornwall creating him a peer by the title of baron Fanhope, 10 Henry 6. And in the latter period during the King's incapacity, and some days before the appointment of the protector, we find the King's eldest son actually created Prince of Wales and earl of Chester, and in all these instances directions were given by Parliament that the Privy and Great Seals should be applied for carrying the respective grants into execution in the name of the King.—How after this, he asked, can it be insinuated that Parliament have at all times parted with the whole of the royal authority in cases of minority or of the temporary suspension of the kingly powers? He again repeated that he did not adduce this as a precedent in the present instance for Parliament to follow, but as a complete answer to the challenge thrown out by the noble lords opposite.

His lordship observed that his reasoning had hitherto been applied in support of a restricted Regency, and in favour of the specific Restriction against creating peers, and granting places in reversion and for life. He should therefore vote against the Amendment to the first Resolution proposed by the noble marquis (Lansdowne). He should also vote against the Amendment which the noble earl, who opened the debate (Liverpool) had stated it to be his intention to move to the fifth Resolution.

The noble earl (Liverpool) had not told the House, whether in proposing to leave all the great officers of the Household under the direction of, though immoveable by, her Majesty; it was his intention to propose any additional officers of state, of the nature of those of his Majesty's Household to attend the Regent during his temporary exercise of the royal functions. If such was not his intention, he could not bear that the exercise of the royal authority conducted in the name and on the behalf of his Majesty, should even for a time be stripped of all that splendour and state with which for wise purposes it had ever been conceived they should be surrounded. If, on the other hand, it was intended to give the Regent a Household adequate to all the purposes of state; setting aside any argument built upon the additional expence of such an establishment, he should conceive any such arrangement highly objectionable. Called upon to exercise the functions of the King, not in his own name or on his own behalf, but in the name and on the behalf of his Majesty; he conceived that the Regent should be surrounded by no state of his own, but by the splendour and state of his Sovereign, in whose name and on whose behalf the powers of government were to be conducted by the Regent. He could not consent to see a competition raised between the grandeur of the Regent and that of the King, or the splendour of our legitimate though sick Sovereign eclipsed and obscured by the Regent.

If then the great officers of the Household were to be placed about the Regent, to add state and dignity to the execution of the trust committed to his discharge, it should seem, as a necessary consequence, that he should possess the power of their appointment and removal.

The arguments in support of the Restrictions on the power of creating peers, &c. were not applicable to any restriction here. They go upon the principle of preventing the future progress of the government when happily again restored to his Majesty's personal exercise, from being embarrassed and impeded; but here no evil consequences could follow even from the abuse of the Regent's power over the great officers of the Household, and the very same reason existed for entrusting him with the power, assigned in the course of his speech by the noble earl (Liverpool) for giving him power over the political servants of the state, viz. that no permanent inconvenience could follow such power, as his Majesty might in a moment, on his recovery, restore every thing to the state most accordant with his own wishes.

With the exception of the single argument founded on the difficulty of separating such officers of the household as might be necessary to give splendor to the Regent, while entrusted with the exercise of the royal functions, from those equally necessary for the dignity of his Majesty while under the guardianship of the Queen,—their lordships had not heard a single argument in support of the noble earl's proposed amendment, and this argument had been answered by themselves, by their admitting their practicability, nay even themselves intending hereafter to propose this very separation: All that had been further urged in support of this conduct had been addressed to their lordships' feelings. But it appeared to him, that those best consulted his Majesty's feelings, who endeavoured to uphold the constant recollection of him in the hearts of his people: and not allowing the person who, from the necessity of the case, was for a time to be clothed with his authority and to exercise the royal functions, in his name, and on his behalf, to be surrounded with any other splendor, than that belonging to him, and to his Kingly office.

This appeared to him to be the good sense of the thing, most consistent with the respective situations both of the King and Regent, most calculated to accord with his Majesty's feelings, and the most constitutional mode of proceeding, as the most in unison with the unity of the monarchy.

He should therefore vote against the Amendment moved by the noble marquis (Lansdowne) and equally against that hereafter proposed to be moved to the 5th Resolution by the noble earl (Liverpool).

The Duke of *Norfolk* spoke against the

Restrictions in general as unnecessary, particularly the 5th Resolution as it stood originally, as investing his Majesty with a degree of parade and splendour altogether unsuitable to his present unhappy situation. In his opinion, very serious inconveniences might arise, from curtailing, in the person of the Regent, the kingly prerogatives.

Lord *Holland* then rose and said, that, after all that had fallen from many of their lordships upon the subject of their respective feelings and sympathies for his Majesty's sufferings, he might, he trusted, be allowed to lay claim to as large a share in the general concern for the King's illness, and the general anxiety and solicitude for his recovery, as any of the noble lords opposite could reasonably pretend to, or be allowed to entertain. He agreed perfectly with the noble earl who brought forward the Resolutions, that the two principal objects for which they were to provide were, first, the general and paramount object that the public weal should receive no injury; and, secondly, that all necessary measures should be resorted to for the purpose of securing to the King, upon his recovery, the unobstructed and complete resumption of his royal functions. To those two points he was willing to refer all the observations he had to make, and in doing so, he could have wished that in the expression of his sentiments the noble and learned lord on the woolsack had been contented with that or some such course. The learned lord, however, had not excited any expectation which the tenor of his speech had disappointed. He had frankly acknowledged at the outset, that it was not his intention or his wish to argue the question. He was anxious only to convey to their lordships the impressions it had made upon his feelings, and to that extent the noble and learned lord had fully succeeded; but as it would be an injustice to the acknowledged talent and acuteness of that noble lord, to suppose that he could speak long upon any subject without arguing upon it, so he (lord Holland) admitted that the noble lord had argued, but argued in such way as to shew that no noble lord who did not approve of each, and all of the resolutions, could vote in support of the question now before their lordships.

For his own part, he had no hesitation to declare that the ground, upon which he felt himself bound to make a stand against the proposed Resolutions, was the principle, that without imminent danger to the constitution, the monarchical branch of it could not be deprived of its constitutional powers and prerogatives. This, as a great and cardinal general position, had not been denied by the noble lords opposite, though they had contended, that the difference of existing circumstances may give rise to a case of justifiable exception, and on that ground the noble and learned lord approved of the restrictions, because the exercise of the regal authority was to be but temporary—this however, was the very reason why he opposed the limitations. When he used the word limitations, he did not mean as operating upon the Regent, but upon the royal authority. The royal authority cannot be limited or restrained within narrower limits than those, within which the laws have already confined it, or may hereafter confine it. If there was one principle of the constitution more clearly established than another, it was this, that the royal authority could not be abridged or curtailed without its own consent; and no measure which had a tendency, for any period, however short, to limit that power without its own consent, should ever have his support.

Here he felt it necessary, before he should proceed further, to offer some observations upon those arguments, which, not without some surprise, he had heard that night from the noble viscount (lord Sidmouth) on the cross bench. That noble lord had pursued a train of reasoning, which appeared to him to lead to conclusions of the most pernicious tendency to all limited monarchies, and indeed to all well-constituted governments whatever. It was said, by that noble lord, that they had no right to make an unqualified transfer of that authority, which was the King's rightful property. What! were their lordships then to be told, that the powers and authorities vested by the law in the King, for the well-government of this realm, were the property of the King? They were not his property. The constitution vested in him no such property; but consigned them to him, as a trust, to be used by the King for the benefit of the people, and this consideration restored the question to its true and proper ground. The prerogatives of the King were a part of the rights of the people; and all encroachment upon the one, without the King's consent, did appear to him to be nothing less than an invasion of the other. The right of that House to alter or abridge that part of the people's privileges might well be questioned; but the people's right to have, at all times, the monarchy integral and unimpaired, as the constitution gave it, was indisputable. Their lordships had, in concurrence with the other House, passed a Resolution assuming and asserting the right of both Houses to supply the defect in the personal exercise of the royal authority. He thought that Resolution at the time inexpedient, if not unwise—and now what had been the result?—After their bold avowal of that right, they had timorously receded from the full exercise of it—they had reasoned for the undoubted right, and that in its fullest extent, and then by a gross *non sequitur* concluded, that the greater the certainty and the latitude of the right, the more cautious and confined should be their exercise of it. The high tone, in which it was asserted, was immediately lowered when they came to act upon it, and then they confessed as it were, by the measures they pursued, that they could do no more than deal out some pitiful remnant of the prerogative—some contemptible shreds and patches with which they would invest the officer whom they professed to enable to restore the government. He would not now revive the question of right, or stop to consider what sort of practical commentary the proceedings of both Houses made upon the right they had assumed, but of this he was clear, that there existed one right which no man could be bold enough to dispute, and that was, the right of the people to the whole constitution of their country.—The prerogatives of the crown were essential parts of that constitution, and when their lordships were proceeding to make provision, for the restoration of the executive, the people had a right to require that the constitution be restored along with it.

But the noble and learned Lord had thought proper to refer to the cases of Regency in the reigns of George the first and George the second. He was sorry the learned lord had not thought fit to make any so pointed a reference to a preceding instance, the Regency Act of Queen Anne, the 6th of Queen Anne, which vested the Regency in certain Lords Justices on the demise of the Queen, before the arrival of the elector of Hanover—in this instance the tenure was not only more temporary, but the time was defined and known, and yet it appeared from the words of the act, that all power and authorities were vested to be exercised in as full and ample a manner as these prerogatives and powers were to be exercised by those who were to succeed. There might besides have on the former occasion been points of dissension, concerning which all were now agreed, that the Prince of Wales should be Regent, and that the Prince should be sole Regent. There was no idea, he believed, of putting the Regency in commission—suppose the Great Seal was put into commission, this would not diminish the authority of the Chancellor, but if that part of his duty which was granted by Special Commission, and which related to bankruptcies, the care of lunatics, and the guardianship of wards—If the King were advised to transfer that part of his duty from the Chancellor to any other person, here there must be an essential diminution of the official power, though no injury would necessarily be done to the people's interests by such a division of the office, and in this case there would be no rights wrested from the public, but the restrictions on the Regent amounted to an abridgment of the functions of the crown, which functions were a part of the undoubted rights of the people. It had been contended indeed by the noble and learned lord, that the office of Regent was wholly unknown to the Common Law. But of this he had his doubts. The instances of the Earl of Pembroke, of the Duke of Gloucester, and Duke of York, clearly shewed at least that the office of *Custos Regni* was not unknown to the constitutional practice of this realm. And here he could not help adverting as well to the character of the restrictions as to the nature of the reasoning by which at other times those restrictions were attempted to be supported. They certainly bore upon the face of them a republican feature, which ought rather to deter than to invite imitation. Nothing could be more dangerous to that sentiment, which attached them to the constitutional limited monarchy of this country, than that mode of arguing, which held out the throne to a number of candidates, and seemed to say, that, as in chusing a coachman we were not bound to prefer the son of a coachman, so in appointing a Regent to fill the Royal Office we were not bound to prefer the son of a King. This mode of reasoning, in the view he entertained of the subject, was no less void of feeling, than the course of observation which had called forth the censures of those, who had resorted to it. In truth it appeared to him that the noble and learned Lord, in speaking of the feelings with which he had been so violently agitated, had been rather too exclusive in his mode of laying claim to them. That noble and learned lord could certainly not fairly nor justly engross to himself all fine and tender feeling upon a subject of such general regret and public calamity. For himself he must say that he had uniformly observed, that the best test of a man's grief was not to be sought for in the vehemence or the frequency of his expression of it. He had rather found, if he might judge at least from his own personal experience, that the affection, which weighed upon the heart, seldom rose into any noisy or boisterous testimonies of its existence—that it was at once deep and still, and that silence was the genuine eloquence of sincerity. Whenever he had felt the most he had been most silent. He could not, therefore, allow the Noble Lord to tell him that as a man and a subject he did not feel for the sufferings of his Sovereign—if, however, so much was to be claimed by the Noble Lord upon the ground of feeling, some indulgence might be allowed to those nearest and dearest to the monarch, who were yet obliged to make their feelings give way to the necessity, and were prohibited from any approach to the royal person—this instance was one to shew that, afflicting as the case was, it was yet to be treated as a case of necessity.

The noble earl (lord Liverpool) indeed had spoken of the speech of the King in approval of the proceedings in 1788, and of the address from that House, as an establishment of that precedent; and yet the mode of address to the Prince, to take on him the Regency, was objected to as informal. Here the noble lord went over the arguments already before the public, shewing that the King's Speech was, properly considered, but the speech of the ministers, and but a panegyric passed by themselves upon their own conduct. There was, however, one circumstance in which the boasted precedent of 1788 could not be brought to bear upon the present case. It was said, that, at that time, the measures then proposed had met with the general applause of the country. He believed they had. The people might then have been pleased with those measures, but were they so now?—quite the reverse—the general voice of the country was against them. The noble lord (lord Liverpool) might smile, but he assured him, he himself was then furnished with several petitions against them—some of them from the very counties and towns which had sent up petitions of an opposite kind when William III. first came to our deliverance. He was willing to try it by that test, though he admitted that the popularity of any measure was not an infallible criterion of its propriety; but if the noble lord was to frequent any of those meetings where those petitions had been resolved, he would not laugh at them. Yet notwithstanding those and other marked disparities between the existing circumstances and those which prevailed at the time of 1788, still the authority of Mr. Pitt was held forth to sanction the adoption of his plan under circumstances wholly dissimilar—his name was used as a shield to protect defects no reasoning could excuse; the bare name of Mr. Pitt was thought sufficient to obviate every objection.—It reminded him of an anecdote respecting a boy who wrote a Greek theme, which he shewed to doctor Bentley, as made up of extracts from Pindar; the doctor objected to the bad Greek; Sir, replied the boy, it is Pindar—to the false grammar; still he was told it was Pindar—to the false accents; still he was told it was Pindar;—to every fault discovered, to every objection started, the ready reply was "Pindar;" and on the doctor being moved and more urged with Pindar, he at last said, "Well, Sir, if this be Pindar, Pindar was a bold fellow, and you are an impudent one" (a laugh). The noble lord next adverted to the absurd apprehension of the King on his recovery being obstructed in his resumption of his powers, and treated this objection in the same manner in which it had been already answered. He concluded by contrasting the conduct and opinions of those who had affected to take such alarm at the introduction of a bill to abolish reversions, as an attack upon the royal prerogative, and who were now the foremost in forwarding a measure, the direct tendency and operation of which was to abridge and restrict the most essential branches of the prerogative.

The Earl of *Harrowby*, began by stating, that he could not agree with the noble baron who had just sat down, in the view he had taken of the grounds upon which their lordships were to vote upon the proposed Amendment. That noble lord had said, that no person who was not ready to vote for all the subsequent restrictions, could vote for keeping in the words proposed to be left out. It was on the contrary, as appeared to him, undeniable, that no person who was not prepared to negative every part of the subsequent restrictions, could consistently vote for the omission of those words. No noble lord had yet objected to the Resolutions respecting the private property of the King, or respecting the continuance of a part, at least, of the household, under the controul of the Queen. These were certainly restrictions; for, without the subsequent Resolutions, they would both under the general terms of the first Resolution, fall into the hands of the Regent. It therefore would be a complete contradiction if we struck out from the first Resolution every word which implied any limitation to the power of the Regent with a view of proceeding afterwards to limit it. The noble lord had also stated an objection in bar to our power of limitation. He thought that when we had declared it to be our right and duty to provide the means of supplying the defect of the personal exercise of the royal authority, we had expressly limited our rights and duties to the mere supply of that defect, and were restrained from doing any thing but appointing a Regent with the whole authority of a king. The very letter of that Resolution would not, however, bear him out in this construction; for we clearly reserved the exercise of our discretion in the concluding words, "in such manner as the exigency of the case should appear to require." Besides, this Resolution was, *totidem verbis*, the same as was passed in 1788; and as it was then followed by a variety of other Resolutions, imposing restrictions, this contemporaneous exposition of its meaning was irresistible. The noble lord had also stated that a complete fallacy pervaded the arguments of his noble and learned friend (the Lord Chancellor), when he had argued from the Regency Acts of Geo. II. and Geo. III. that the whole authority of the King had never been granted to a single person. This was, however, correctly true; and the fetters imposed upon a Regent, by the appointment of a permanent council, which he could not remove, and without whose consent (in some cases, of a majority of five, in others, of a majority of the whole body), he could do nothing, were much greater than those which were now proposed to be laid upon the exercise of a few branches of the prerogative. Such, however, was the importance given by the noble lord to these few branches, that all the rest were in his eye only shreds and scraps and patches; for those were the terms in which he characterised the powers of war and peace, and the entire controul of the army, the navy, and the revenue of the empire. But it had been argued, that although the powers were not all vested in one person by these acts, yet that all the powers were vested somewhere. Even this was not correct, for the Regent and his council were not invested by either of those acts with an uncontrouled power of legislation. They were expressly debarred from giving the royal assent to the repeal of specified acts; and if there were any simple limitation, it was sufficient to negative the principle of a Regency absolutely unlimited. But supposing that had not been the case, he could still contend that those acts did not apply to the present case. They were passed by a complete legislature, consisting of King, Lords, and Commons, whose power was entire and to be exercised according to their uncontrouled discretion. We were not in that state.—Every act we did was informal; our power was derived solely from necessity, and every step we took beyond the warrant of that necessity was not only informal but illegal. We required much stronger grounds to justify the grant of the authority we gave, than the refusal of what we might think proper to withhold. The noble lord had said, that we must keep two objects in view; first, that the interests of the people might be secured; and, secondly, that the King might upon his recovery resume his power. In an enlarged view of the question, these objects were one and the same, for in providing for that resumption we were providing for the interests of the people. But if we consented for a moment to consider them separately, we should find, that with respect to the first, the true principle was, that sufficient power should be given to carry on the government during the interval; and with respect to the second, that no power should unnecessarily be given to any temporary authority to do that which the permanent authority, when restored, could not undo. This consideration applied immediately to the first restriction, that of making peers. What were the uses of this prerogative? To enable the King to reward signal services, naval or military. This power was withheld in 1788.—Why? Because we were then at peace. It was proposed not to be withheld now—because we were at war; because services of this nature were the only services in which the merit which claims reward could be fixed to a particular action, and where the gratitude of the public might feel impatient to be embodied in some distinguished mark of the royal favour. Another use was, to reward services in other professions, the eminent discharge of official duties, or the display of political talents; or to fortify that House by the accession of persons of high birth, great possessions or extensive influence, in order to preserve its relative importance to the other branch of the legislature. For these purposes the existence of such a prerogative was eminently useful in the various circumstances which might occur during a series of years; but could any man say, that a suspension of this power for a single year could disable the Regent from carrying on his government? Look to experience—the present administration had been decried by their opponents, as deficient in strength and power. Had they found it necessary in four years to prop up their weakness by any such exertion of the prerogative, why, then, for one year, should it be necessary for the Regent? There was, however, another ground upon which this prerogative had been distinctly claimed by a noble marquis in an early part of the debate. He had stated it to be necessary, in order to give the crown a controul over the deliberations of this House. That cases might occur in the course of time (rare, however, they must be), in which the use of this prerogative, for this object, might be justified by extreme necessity, he was not disposed to deny. But were they likely to occur in a single year? Nothing but the declaration of the noble marquis could have led him to suppose it. But he was now compelled to fear, that it might not only be possible, but probable, that the advisers of the Regent might introduce measures, to which they were perfectly aware that the House, as at present constituted, could never be brought to consent, and which could only be crammed down their throats by the introduction of overwhelming numbers. The noble baron had said, that those restrictions were intended to secure the resumption of the King's power. This he denied; in that respect they were unnecessary; for, with them or without them, where was the man to be found who would dare to oppose such a resumption? But they were necessary to make that resumption effectual, to prevent such obstacles being opposed to the full exercise of the royal power, as to render that authority, when resumed, merely nominal; or to force the King, by the abuse of his prerogative in the Regent, to abuse it still further himself. How could he counteract a numerous creation of Peers, but by a creation still more numerous? If we looked forward to the melancholy possibility, stated by the noble baron, of future returns of the same indisposition, the necessity of this restriction would be still more evident. The advisers of the Regent, but for a single month, may fill the House with their political adherents. The advisers of the King are compelled to the same. This fresh influx is repeated from time to time; this House becomes the sport of contending parties, till tossed backwards and forwards by the impulse of those conflicting waves, its honour, its dignity and independence are overwhelmed and wrecked for ever. We did not do our duty if we omitted to guard against the possibility of so dreadful, so irremediable an evil. His lordship next proceeded to consider the Resolution respecting the household. He objected to it, as brought from the Commons, both because it proposed to make some immediate alteration in the household of the King, and because it proposed to make the same provision for the period now existing, in which he had strong grounds to hope for the recovery of his Majesty, and for the possible period, in which we might have equal grounds to fear the contrary. No provision could be made which would apply to both these periods: we must either do what would be too much for the first, or too little for the second. But his main objection went to any interference whatever with it at the present moment. He was happy to find that in the whole course of this debate, a reference to the feelings of his Majesty had not been thought disorderly. Such a reference had not been so in 1788; and it had been particularly sanctioned by a noble lord, whose situation at that time in the other House, made the preservation of order his peculiar duty. They had then been told to consider the feelings of his Majesty, if he should find that parliament had availed itself with eagerness and avidity even of the shortest interval, to new model the officers attendant upon his person, and by a miserable economy, to degrade their Sovereign from those circumstances of splendour which belonged to the rank in which he was born, and to the station which he still occupied. Yet this was what we were called upon to do to a certain extent by the Resolution, as it then stood. For such was the connection between the different offices of the household, from the highest to the lowest, that we could not make the separation proposed, without new-modelling the whole. This we might be compelled to do at some future melancholy period. But where was the necessity to show our eagerness and avidity to do it? Even without the authority of this great example, how was it possible for us to exclude from this debate the consideration of his Majesty's feelings? One of our declared objects was to provide for the resumption of his power, upon the happy moment of his recovery. Unless our wishes were a mere pretence, and our prayers to Heaven only an idle mockery, and an impious insult, we must consider what would be the effect of our decision, in promoting or obstructing that recovery! If we were about to do that which might, which must, nay, which ought, to obstruct it, if his Majesty had the feelings not of a King, but of a man; if we created a cause, which must produce an almost necessary effect, how could we justify to ourselves this wilful blindness? How could we avoid feeling that, by unnecessarily creating the cause, we were responsible for the effect? If this argument prevailed in 1788, what ought to be its weight now? His Majesty found then upon his recovery, that his Parliament had paid him every tribute of tenderness and respect, and was graciously pleased to repay them with the expressions of his warmest gratitude. Upon his recovery from his present indisposition, what would he find? That the same tenderness and respect has been no longer shewn. If his feelings would have been acute then, what must they be now? What must be his additional pangs when he reflects, that two and twenty years of additional exertions for the welfare and prosperity of his people, of additional claims to their gratitude, had deprived him of his best reward—the proofs he then received of their affectionate attachment! What had he done to forfeit it? What had been the events of those two and twenty years? He had steered his people in safety through the storms of war and revolution; and his throne had been preserved even more by the veneration inspired by his virtues, than by the gigantic abilities which upheld it. His lordship concluded by conjuring the House not to lose sight of these considerations, and by declaring that he should vote against the Amendment proposed by the noble marquis to the first Resolution, and for the Amendment proposed by the Secretary of State to the fifth.

Lord *Grenville* then rose and said, that, before he entered upon the subject more immediately under the consideration of their lordships, he felt it necessary to notice the manner in which the opinions that he had formerly advanced in another place, had been that night exaggerated by the noble lord opposite, with an intention by no means obscure. It would have been much more manly, if those, who had intended to embarrass him by this manœuvre had not covered their design with the language of praise. Embarrassed, however, he was not. He had ever been of opinion (although this opinion had no application in the present instance), that to purchase consistency at the expence of integrity, could be gratifying to those alone who preferred the opinion of others, to the approbation of their own hearts. Far be from him such a wish. The only question which an honest man could in such circumstances put to himself, and which, in his public life, he ever proposed to himself, was, What is the interest of my country, and consequently what is my duty? Never would he be deterred by any fear of being charged with inconsistency, from delivering his free and unbiassed opinion. If he saw reason to abandon former sentiments, he would not scruple to avow, that more mature deliberation, and, it might be, more extensive knowledge, had taught him that they were erroneous. To say that any one must be bound by his first judgment, was to say that the life of that man must be spent in vain, and that from the opinion which he expressed on the day of his entrance on a public career he must never subsequently deviate. The man who could admit this principle could never improve. Such had not been the principles of the best legislators of this and other countries. No individual, whose memory was dear to the world, ever existed of whom it might not be shewn that he had the manliness at some period or other of his life to avow former error. The history of the last 50 years would furnish sufficient examples of this fact.

He trusted, however, that no one would suppose he said all this, as applicable to the circumstances in which he found himself placed; for he declared, that he adhered strictly to all the principles which he had asserted on the same subject in 1788. On one part of the subject, and that the most important, he had already declared his opinion both in parliament, and in another manner by a publication which made it more widely known. He had declared (with all due deference to the respectable authorities by which he had been opposed), that he had not the least doubt, that on the two Houses of Parliament devolved the necessity of providing for all the deficiencies which might occur in the legislative and executive authority. In what manner the latter was to be supplied was a grave consideration, but he was convinced that the power in the two Houses of supplying it, could be limited only by the necessity. As an immediate consequence from that principle he had no doubt that the power of limiting the Regent resided in the Lords and Commons. The power of supplying the royal incapacity arose from the melancholy necessity of the case; it must, then, be guided by the necessity. If they had the power to create, they most certainly had the power to limit the Regent. He knew of no general principle for supplying a Regent; he could trace no such principle in the history, or in the laws of England. In an emergency like the present, therefore, they must come to the people; not to the people, in the coarse and general acceptation of the word, but to the people represented in parliament, the people speaking in the forms of the constitution. He could not find in all the records of the parliament, that principle which, saying that the royal function must be supplied, stopped there, and left no alternative but to make the power of the Regent co-extensive with the power of the King. This he would not argue in the usual form; he would not go into the discussion of a train of precedents; he would argue it solely on the reason of the thing. The precedents which were adduced were, with scarcely an exception all inapplicable in all their parts. The precedents of Regents appointed during the infancy of the future monarch, could not apply to the case of an heir apparent of mature age. A single principle was superior to the whole list of precedents. It struck his reason as a direct solecism, that the people should have the power of creating a Regent, but yet no power of investing him with and regulating those attributes, which were suited in their judgment to his office; no power of defining, no power of limiting and circumscribing his functions.

But the House had been boldly called on to turn to the precedent of 1788, and adhere to it, under the penalty of being declared unable or unwilling to do their duty. Was that precedent of 1788 to bind those who lived under the new difficulties of 1811? That precedent rested upon the peculiarities of the times, and must be bent to them as they existed now. A great deal too much, had, in his opinion, been said in another place, in the course of the debates on this subject, about personal character. He thought it a melancholy proof of the situation of this country. He should have hoped that it would have been possible to refer to the opinions of all the great men who differed from one another in 1788, without imputing to any one improper motives. He was happy to think, that no intemperance of this sort had taken place among their lordships. Measures might be fully and effectually debated, without pressing on character. Let the measures meet with the discussion which they deserved, but let them not press heavy on the memory of the mighty dead. He knew both the illustrious rivals, and he should be unworthy of the honour of knowing the great leader of the opposition of that day, if he did not speak of him in his grave, with the consideration due to such a man. He would remind those who now slighted his memory, of the words of Bolingbroke, to some fawning slanderous parasite, who talked of the great duke of Marlborough's faults. "He had faults, I suppose," said Bolingbroke; "but he was so great a man that I have forgot what his faults were." Nor was the mind of any man, who was anxious now to form his best opinion on the important subject in debate, to be borne down by the authority of great names, and strong opinions hazarded in a time of vehement party spirit, such as he (lord G.) had never witnessed since, nor never hoped to see again.

But there was in the Resolutions upon the table, an adherence to the letter of the precedent of 1788, and a departure from the principle, which would vindicate him from all charge of inconsistency in voting against the resolutions. It was the noble lord on the opposite side who had departed fully from the principle: and he should presently shew that the very persons who brought forward the present Resolutions as founded on the precedent of 1788, felt that that precedent was so inapplicable to the present time, that, in framing the Resolutions, they departed from the essential principle of that precedent; and for that very reason he should oppose one of the Resolutions. But he should not rest on this authority; he would appeal to the common sense of their lordships, whether the circumstances of the present times were not essentially different from those of 1788? A noble viscount (lord Sidmouth) had taken a narrow view of that difference when he spoke only of the change in the amount of our establishments and of our revenues. He would push that consideration further, and ask what rendered that increased establishment necessary? He would ask, if there was an individual in the country who, by possibility, could be called to the councils of the Regent, who would not be happy to change the present establishment for the establishment in 1788; if he could by a touch of the same wand also get rid of the other circumstances, in which the present period differed from that period? How then could he be justly accused of inconsistency, if under different circumstances he entertained different opinions? His opinion with respect to the Restrictions must depend on their nature and expediency. There was, however, one of the proposed Restrictions, for which, in one shape, he would vote: but for which, in the shape in which it lay on the table, no earthly consideration should induce him to vote—he meant the Resolution relative to the creation of peers. It was not to be doubted that certain privileges might be withheld from the Regent, for the express purpose of shewing that the authority was delegated, not original. It was desirable, that a distinction should be plainly made, between delegated and original government. In all countries, it was true, but particularly in this, that the regal power was not a property, but a trust. In the present melancholy circumstances, it became necessary to deposit that trust for the time in the hands of a Regent. But the principle continued the same; it was still, for the benefit of the people; and by that, the extent of the power was to be measured. It would scarcely be necessary for him to say, that if personal confidence were the ground on which the present question was to be argued, no degree of confidence could in his opinion be too great to place in the illustrious individual to whom this high and exalted trust was to be confided. But he repeated that there ought to be a marked difference between original and delegated authority.

A great mistake had arisen in the course of the discussion, with respect to the limitation in 1788, on the Restriction upon the creating of peers; and even the noble Lords who rested so much on that precedent, now brought forward their Resolution altered in that very point on which the divisions took place in that House, namely, whether there should be a limitation to the Restrictions or not. By their own confession, therefore, they admitted that the circumstances of the two periods were materially different. His vote would much depend on the time for which the Restriction was to be imposed. It had been repeatedly insisted on in the course of the debate, that the Restrictions of 1788, were originally proposed for three years. This was a total mistake. The Restrictions were intended by their framers to be unlimited. The duration, indeed, of the Restrictions was afterwards, on the suggestion of some highly respected members, limited to three years. This was then conceived to be equivalent to their being unlimited altogether. The great object was to throw the Restrictions altogether beyond the longest probable duration of the King's malady. An ingenious member too had been so much struck with this connection of three years, and an unlimited time, that he said, if the Lords once passed the three years limitation, they would grow into the habit of excluding his Majesty's subjects from the peerage, and not give up the Restriction during the life of his Majesty. There was nothing in the nature of the case, which fixed the time for putting an end to the Restrictions. But now every thing was different. The probable duration of the King's illness was ascertained. The limitations were defined with a view to the duration of his illness, and on this point the circumstances of the present case differed materially from those of the former precedent.

But with respect to the limitation of the power of raising to the peerage there was one point of which he must speak. It was the principle, it was the glory of this great and happy country, that there was not a man in it, let his situation be however humble, who might not expect to rise by talent into the highest offices of the state. There was not a peasant's son who might not aspire to sit one day as high as any, even the highest of their lordships. It was in this that the spring and principle was to be found, which supported the people of this country under all the pressure of their burthens. That House received no small share of its splendour from eminent men, who had risen into it from the humble ranks of life. By the Resolution, however, making an exception in favour of those who may achieve eminent naval or military services, the path of honour, and the object of laudable ambition was circumscribed. That pride which every Englishman felt in the knowledge of the doctrines which he had just asserted, was suppressed, and the most fatal principles were introduced. Were their lordships prepared thus to circumscribe the path to honour? Were they prepared thus to stigmatize themselves by establishing so invidious a distinction? Were they prepared to declare that those who held peerages for civil services, either as legal men or as statesmen, held them by a title less worthy than that of the great and eminent persons who had been justly distinguished for their naval and military achievements? He was sure that he would not be understood as depreciating the merits of the heroes of the country. With the utmost respect for them, he was not ready to say, that their professions were exclusively the most honourable or the most advantageous. There were other means of rising to rank in the peerage, and those perhaps not inferior to military and naval distinction. No man could think lightly of the merit, which had placed the duke of Marlborough, or the representative of lord Nelson in that House. But the son of lord Chatham need not shrink before either of them in point of paternal glory. Was the peerage, then, to be confined to military and naval merit? If the Prince chose to find a suitable depository for the seals, no doubt he might find able characters in that House, but was he to be prevented from looking for a proper person among other classes of his Majesty's subjects? The noble lord on the opposite side told the House that the hero must die without his rewards if this exception were not allowed. The rewards might however be given to his family. No reward could interfere with the act of providence; the hero dying in the arms of victory, must find his pride and joy in ending his life in the same service in which he passed it. For his reward, he must rely on the gratitude of his country. The principle proposed to be introduced was a dangerous novelty to which he would never consent. He admitted however, that the power of creating peers, and the power of granting places and pensions during life, were well chosen parts of the royal authority, on which to impose Restriction, if any Restriction were necessary, because the nature of the intended government was temporary, and the powers to be restricted were permanent. Upon the whole, his objection to the words of the Resolution was, that they pledged him to some Restriction, whereas, unless that Restriction was properly qualified—unless the author of the Resolution followed it up on a just principle, and unless they withdrew from it the odious exception to which he had just alluded, he could not vote for it. As to the regulation respecting the King's personal property, it met with his hearty concurrence.

With respect to the Resolution relative to the household, he hesitated not to say, that he would give a decided preference to the proposition which came from the House of Commons, over that which was to be brought forward by the noble Secretary of State, (the earl of Liverpool) and which was a departure from the precedent that noble earl professed to follow. He had no sort of objection to all the pathetic addresses which had been made to their lordships. God forbid that he should object to any expressions of feeling, which fell from the noble Lords opposite upon this most affecting subject. On the contrary, he felt himself bound to believe that they were only the genuine effusions of the hearts of those who uttered them. He would also say, that he agreed in principle, and would maintain in practice, all those provisions that were necessary to facilitate the recovery of his Majesty, by securing to him every degree of comfort and convenience during his unfortunate indisposition. He would go a step further;—a King was placed by Providence in a most afflicting situation, and their lordships owed not only to him every means of comfort and restoration, but also for his benefit and that of his subjects, the maintenance of his regal dignity. In the words of lord Thurlow, he would say, that the person they were to consider upon was "a sick King." He was not to be left like another individual to the number of relatives who might crowd around him. He was to be placed in the care of the Queen, but they were bound to recollect, that by their measures they were to provide for a sovereign on his bed of sickness (Hear !) around whom in his unfortunate situation, they ought, nevertheless, to throw the ensigns of his royal dignity. If there were any one Resolution that did not, in express words, provide for this, he should move to supply the deficiency, or he would say, that nothing could induce him to vote for it. But having considered and reconsidered that Resolution, and having heard it criticised by the noble Lords opposite, he still was at a loss to conceive how it was deficient in the assertion of the principle, the detail of which must be a matter of subsequent regulation—a regulation that he was aware would be accompanied with some difficulty. It appeared to him, that although the situation of the King might require fewer attendants, yet that it was necessary he should be attended by persons of the same rank and degree as at present, in order to preserve a marked difference between the sovereign and any of his subjects. He was ready to admit that when the question of the household came more particularly before them, it would involve matters of very grave consideration. It was not so easy as some persons supposed to separate the splendid parts of the establishment from the domestic ones. In some respects it was impracticable to be done. He should object to a proposition that he had understood would be made, because it did not in fact secure to the Queen that controul over the menial domestics that it professed to give her. Whenever they came to that consideration, they must not separate the state from the King ; but, though fewer attendants might be necessary, yet as he before observed some of that rank and dignity on the scale of subjects should remain to mark that difference which existed between the household of a King and the household of his subjects of the highest rank. This should be done for the sick bed of the sovereign. In the vote he should give, he should vote for the Resolution of the Commons, because it contained a recital of provisions for the comfort, and still more for the dignity of his Majesty ; but if the Bill to be founded on that Resolution, did not follow up the principle, it should meet with his decided opposition.

The Earl of *Liverpool* then rose to reply. He apologized to their lordships for having already taken up so much of the time of the House, and for offering again to trespass upon their attention at that late hour: but he was anxious to correct some errors, into which noble lords had fallen with respect to what he had said. That the office of the King was a trust for the benefit of the people, he had never denied. He had only endeavoured to shew the difference between the offices of a king and a regent. As to the question of expediency respecting the appointment of a regent, he had never contended that the principles upon which he founded his propositions of regency rested on expediency. The expediency of the case, in his mind, related to the extent only to which the limitations were to be applied. The noble earl then proceeded to comment on the objections of the noble baron; as to the custody of the King's person. The resolution to which the noble baron objected, was copied *verbatim* from the precedent of 1788. The principle was to lay down on record, that in giving power, they gave only what it was necessary to give, and thence resulted the principle and propriety of restraint. If they succeeded in establishing an unlimited regency, at some future period they would have to consider the virtues or vices of the person who was to be made Regent, in order to shew why they denied to one what they had conceded to another. There was no course to pursue, but to impose the restrictions, in the general terms "for a time to be limited." On the subject of the Household, he should propose an Amendment which would leave the state of the Household as it then was, and if the Bill should be brought in, there would be opportunity to make any alterations that might appear reasonable. He put it to the feelings of noble Lords whether it was not better to adopt the arrangement for a limited time. It was a great object, with the confident expectations that were to be entertained of his Majesty's recovery, to do nothing which might obstruct that desirable event. The first Resolution embraced the general principle, the 3d and 4th had not been strongly objected to; and as to the 2d relative to the exception in favour of the grant of peerage for naval or military services, he had no objection to accommodate it to the suggestions of noble Lords.

The Committee then divided on the marquis of Lansdowne's Amendment to the First Resolution; namely, to leave out the Words "subject to such Restrictions and Limitations as may be hereafter provided."

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York
Clarence
Kent
Sussex
Cambridge
Cumberland
Gloucester
Norfolk
Somerset
St. Alban's
Bedford
Devonshire
Winchester
Buckingham
Lansdowne
Stafford
Townshend
Hertford
Derby
Suffolk
Thanet
Essex
Lindsey
Carlisle
Scarborough
Albemarle
Coventry
Jersey
Carysfort
Alvanley
Keith
Hutchinson
Erskine
Androssan
Lauderdale
Granard
Cholmondeley
Oxford
Tankerville
Bristol
Cowper
Stanhope
Waldegrave
Fitzwilliam
Guilford
Hardwicke
Darlington
Spencer
Clarendon
Abergavenny
Fortescue
St. Vincent
Rosslyn
Craven
Chichester
Nelson
Hereford
Bolingbroke
Maynard
Hampden
Duncan
Anson
Lake
Say and Sele
Crewe
Ponsonby (Imokilly)
Ailsa (Cassilis)
Headfort
Charlemont
Kingston
Roden
Hastings (Moira)
Clifton (Darnley)
Dutton (Douglas)
Boyle (Corke)
Ponsonby (Besb.)
Holland
Ducie
Hawke
Foley
Ashburton
Grantley
Bulkeley
Somers
Boringdon
Heathfield
Braybrooke
Grenville
Thurlow
Auckland
Mendip
Dundas
Yarborough
Downay
Gwyder
Cawdor
Carrington
Seaforth
Buller (Ormond)
Lucan
Conyngham
Donoughmore

BISHOPS.

Rochester
Exeter
Oxford

List of the Minority.

Beaufort
Newcastle
Salisbury
Bath
Abercorn
Cornwallis
Pembroke
Bridgewater
Northampton
Westmorland
Winchelsea
Chesterfield
Sandwich
Abingdon
Powlett
Dartmouth
Aylesford
Macclesfield
Pomfret
Graham
Effingham
Warwick
Buckinghamshire
Egremont
Harcourt
Radnor
Bathurst
Talbot
Camden
Mount Edgecombe
Digby
Mansfield
Liverpool
Powis
Lonsdale
Harrowby
Wentworth
Sidney
Sidmouth
Cathcart
Willoughby de Broke
Tynedale
Haye
Scarsdale
Boston
Brownlow
Rivers
Dynevor
Walsingham
Bagot
Rodney
Elliot
Gordon
Montague
Kenyon
Verulam
Douglas, of Lochlevin
Mulgrave
Selsey
Hood
Stewart, of Moray
Saltersford
Harewood
Rolle
Wellesley
Bayning
Bolton
Eldon
Wodehouse
Northwick
St. Helens
Redesdale
Arden
Gardner
Gambier
Home
Strathmore
Dalhousie
Selkirk
Balcarras
Aberdeen
Saltown
Sinclair
Napier
Glandore
Longford
Limerick
Clancarty
Ross
Cahir
Archps. Canterbury
York
Bishops, London
Durham
Hereford
Gloucester
Chester
Bangor
Worcester
Salisbury
Norwich
Killala.

Strangers were not re-admitted after this division, but we understand, that upon the Second Resolution being read respecting the Restriction upon the grant of Peerages, the earl of Liverpool moved an amendment previously contended for by lord Grenville, to omit the exception in favour of persons distinguished for military services.

Lord *Grenville* stated, that being of opinion that some restriction upon the grant of Peerages was necessary, and his only objection to the Resolution as it now stood being removed, he should feel himself obliged to vote for it; desiring it at the same time to be understood, that in doing so he would not assent to the idea of its being extended to a longer period than six months, whenever the consideration of the Bill afforded the opportunity of fixing the time of its operation.

The Marquis of *Lansdowne* then stated, that great as the pain was which it gave him to express a difference with an authority which he valued and respected, upon every account so highly as that of his noble friend, and although he agreed with him, that cases might arise in which more or less of restriction might be necessary, yet conceiving the suspension of the power of granting Peerages, a suspension of one of the most essential and constitutional prerogatives of the crown, and a suspension not called for in this instance, by any just apprehension of danger from the exercise; he should for the same reasons that had induced him to propose the Amendment which the Committee had adopted, propose to negative this Resolution, and take the sense of the Committee. The Committee then divided,

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Upon the third Resolution respecting pensions, the marquis of Lansdowne said, that he felt the same objection to it with the former, but as it rested upon the same principle with that which the Committee had just agreed to, he would not give them the trouble of dividing again; and it was agreed to. The Resolution respecting Personal Property was then agreed to without a division.

On the Fifth Resolution, respecting the royal Household, the earl of Liverpool moved to restore the words as they had originally stood, so as to take the whole of the royal Household out of the hands of the Regent, in the same way as the Chancellor of the Exchequer had moved to amend the Resolution in the Commons. On this motion the Committee divided. For the Resolution as it came from the Commons,

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Majority	13

Upon these Resolutions being reported to the House, the earl of Liverpool said, he should move to restore the words which the Committee had agreed to leave out in the First Resolution.

The Marquis of *Lansdown* then said, that as he was anxious to save the time of the House, and it was desirable to get through the Report that night, he would not take the sense of the House upon the motion of the noble earl, being aware that since the majority of the Committee had agreed with him in the Amendment he had proposed, they had been induced to agree to two distinct restrictions and limitations, by which means the Resolutions might appear inconsistent with each other, and several noble lords who voted with him at first, might upon this ground not be disposed to do so now, he would, therefore, retaining to its full extent his opinion as to the propriety of omitting the words: so far wave any opposition to the noble lord's proposition to restore them, as not to take the sense of the House upon it.

Earls Spencer and Moira then expressed their concurrence in the expediency of not taking the sense of the House, while they retained the opinions they had expressed by their votes in the Committee. The earl of Liverpool's Amendment was then carried without a division.

The Earl of *Liverpool* now stated his intention, should there be a difference of opinion upon the further Amendment which he meant again to propose to the fifth Resolution, to call for proxies. Lord Erskine, lord Holland, lord Stanhope, and the marquis of Lansdowne expressed their opinion, that proxies could not be called for, the House having appointed a Committee to enquire whether in the present circumstances, proxies could be called for, and having come to no decision upon their Report.

Lord *Erskine* said, that he should be very sorry to say any thing which could bring into question the immemorial privilege of peers in appointing proxies to represent them when absent, but that even admitting for argument's sake that the House was assembled in parliament, he had always understood that the exercise of that privilege was subject to be modified, and had often been modified by the votes and orders of the House; and surely there never was an occasion which so imperiously called for the exercise of that modification. All privileges disgusting to reason and justice ought to be kept in check. He said he could well reconcile the privilege of proxies, when they only added the votes of absent peers to count in the decision of an original question; but what could be more calculated to bring the privileges of proxies into utter contempt, and to cover it with the derision of the public, than to see a most momentous question decided by a majority of the Lords present, after the most solemn arguments, and in ten minutes afterwards to see the same proposition negatived by the very same assembly, without an additional living man coming into the House, by the parties beaten in argument abusing the proxies trusted to them by absent Lords, who had heard none of the reasons for the decision, on a subject so critical and momentous, and who, most probably, if present, would have confirmed the decision which their names were employed to overthrow (hear! hear!)

The *Lord Chancellor* said, that he was quite sure that what his noble friend had now said, he would at any other time be ready to agree was calculated to overthrow the whole doctrine of proxies. It might have a momentary effect, but was in fact nothing but a direct denial of the whole privilege of proxies. His noble friend well knew that proxies could not be received on Committees, and that when it came to the House it was a perfectly original question before the Lords, whether they would agree with what a Committee had decided, and that on such occasion new Lords often intervened by their presence and their votes. So that in fact, the argument went to a complete denial of proxies altogether.

Earl *Stanhope* said, the noble Secretary of State could not call proxies; for though the Report was on the table with regard to proxies, it had not been taken into consideration nor agreed to; he said that bishops might as well vote without their lawn sleeves; and mentioned an instance where he had prevented a right reverend prelate from voting without his canonicals. —To get rid of this embarrassment,

The Earl of *Moira* moved, that the debate upon the subject be adjourned during pleasure, for the purpose of considering the question of proxies. The House divided,

For the Adjournment	102
Against it	99

The earl of Lauderdale and lord Mulgrave were appointed tellers, the earl of Lauderdale refused to take proxies; lord Mulgrave contended for them. No peers could speak but the two tellers: the contest was long and loud, but the point being stated to the House by the Lord Chancellor, from the woolsack, and the numbers actually voting stated, a motion was made, That proxies be now called over by the clerk, and the following Report from the Committee was read:

"By the Lords Committees appointed to search for Precedents respecting the use of Proxies in cases similar to the present, and report to the House:

"Ordered to Report—That the Committee have met, and inspected the several forms of proxies, and having examined the Journals, can find no precedent exactly similar to the present, excepting that of 1788-9, at which period proxies appear to have been entered from the 4th December down to the 3d February, on which day a commission was read for holding the parliament, purporting to be, 'By the King himself, with the advice of 'the Lords spiritual and temporal, and 'Commons, assembled according to the 'prorogation aforesaid.' From this period to the end of the session, proxies were continued to be entered; from the 20th November, on which day the Lords were assembled, to the 10th March, there does not appear to have been any division in the House; on which 10th March a fresh Commission was issued, signed by the King himself, for declaring further causes for opening the parliament. On the 10th of July 1789, upon a question whether certain petitioners should be heard by their counsel against the third reading of a bill, intituled, 'An act for 'making and maintaining a navigable 'canal from or from near to Cromford 'Bridge, in the county of Derby, to join 'and communicate with the Erewash 'canal, at or near Langley Bridge; and 'also a collateral cut from the said intend- 'ed Canal at or near Codnor Park Mill, 'to or near Pinxton Mill, in the said 'county,' a division took place in the House, by which it appears the Lords present on that day were 33; the Lords in the whole House were 22. Proxies were given, and it appears that the earl of Morton and lord Cathcart, who each held a proxy, entered on the 29th December 1788, were present in the House that day. The number of proxies held by all the Lords present were 19, and the number of Lords who held those proxies 13. The number of proxies given were 11. The Committee also feel it proper to draw the attention of the House to the case of 1660, at which period there does not appear to be any proxy book or minute book existing amongst the records of your lordships' House."

The House then divided:

For the Motion of calling Proxies	99
Against it	102
Majority	3

The earl of Moira was then about to propose a general Resolution respecting Proxies; when the earl of Liverpool stated his intention not to call for them again; upon which the debate upon the Report was resumed, and the earl of Liverpool's Amendment negatived without a division. —The Report of the Resolutions was then brought up and agreed to; after which their lordships adjourned at 5 o'clock on Saturday morning.

HOUSE OF COMMONS.

Friday, January 4.

[ISSUES OF PUBLIC MONEY FOR THE SERVICE OF THE ARMY AND NAVY.] On the motion of the Chancellor of the Exchequer, the following Letter was presented to the House:

"Copy of a Letter from the Deputy Clerks of the Privy Seal, of the 4th January 1811; stating their Reasons why they could not prepare Letters to pass the Privy Seal, for the Issue of certain Sums of Money for the service of the Navy and Army.

Privy Seal Office, 4th Jan. 1811.

"Sir; In pursuance of your request, by command of the Lords Commissioners of his Majesty's Treasury, that we should state, in writing, the reason which induced us to acquaint the Lord Keeper of the Privy Seal, that we could not execute the command to prepare Letters to pass the Privy Seal, for the issue of certain sums of money for the Navy and Army; we have no difficulty in complying with your request.

"The course of official routine, before we present the Letters of Privy Seal to the Lord Keeper, is as follows; A Warrant, signed by the King, and countersigned by three Lords of the Treasury, is directed to the Clerk of the Signet, ordering him to prepare a Bill for the Royal Signature, to cause Letters of Privy Seal to pass. The Clerk of the Signet then prepares a transcript of this bill, which being signed with his name, as examined, after having his Majesty's Signet affixed to it, is directed to the Lord Keeper of the Privy Seal. Upon receiving this, the Clerk of the Privy Seal has a transcript of it prepared; but previous to examining it, it is customary for him to send a Docquet, which in point of fact is a copy of the Docquet subjoined to the Bill, which is prepared by the Clerk of the Signet for the Royal Signature. This Docquet commences with the words following:

"'His Majesty's warrant for issuing, &c. &c.'"—and terminates, "Subscribed for Mr. ——*, by Warrant under his Majesty's Royal Sign Manual;" countersigned by three Lords of the Treasury. This Docquet is compared with the Docquet to the King's Bill, afore-mentioned; and the Clerk of the Privy Seal in waiting, writes at the end of it "Examined;" signing his name. Upon this being returned signed by three Lords of the Treasury, the letters of Privy Seal are compared with the Signet Transcript, and being likewise signed by the said Clerk, are laid before the Lord Keeper, in order that the Privy Seal may be affixed thereto.

"Our objection to signing the Letters of Privy Seal, therefore, was, that we conceived it would be departing from the official line of our duty, and acting contrary to the express letter and spirit of our oath, if we signed these Letters of Privy Seal prior to the usual Docquet being returned to the office, countersigned by three Lords of the Treasury. We considered this of the greater importance, as we have always conceived the Docquet to be a certificate, under the hands of their lordships, that the Royal Signature had actually been affixed.

"Moreover, as the Lord Keeper always retains the Signet, and Docquet, as his vouchers for affixing the Seal; and the entry of the Docquet is the only record remaining in the office.

"The tenor of the oath is as follows:

"'You shall be true to our Sovereign 'Lord the King, his heirs and successors, 'Kings and Queens of the united king'doms of Great Britain and Ireland, and 'them faithfully serve to the best of your 'power, as one of their Clerks in the office 'of Privy Seal; and during the time you 'shall continue in the same, you shall not 'prefer nor colourably present to the 'Keeper of the Privy Seal or Commis'sioners for the execution of the office of 'Keeper of the Privy Seal for the time 'being any manner of thing to pass the 'Seal, but such only as you shall have suf'ficient Warrant for, by writing or by 'mouth granted or given by the King's

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* The Clerk of the Signet.

'Majesty, or some of his Highness's Council in the Court of Requests.—You shall 'not disclose any of his Majesty's causes 'to you commanded to be kept secret, 'until such time as publication be thereof 'made. And you shall not seek to break 'any order used for the attendance of the 'Clerks of the said office, or by colour 'thereof take any profits growing by the 'Seal of the said office, and thereby defraud them of the whole due or any 'parcel thereof.—So help you God, and 'by the holy Evangelists.'

"(Signed) By the Clerk."

"This day of in the year of the reign of king George , the said † hath taken the oath above expressed, and subscribed his name before me ‡ Keeper of the Privy Seal; and hath also taken the oaths appointed by an Act of Parliament, intituled, "An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths." (Signed) §

We have the honour to be, Sir, &c.

JOHN LARPENT.
JOHN JAS. LARPENT."

After the reading of the above Letter, The *Chancellor of the Exchequer* moved the order of the day for the House to resolve into a Committee of the whole House to take into consideration the Correspondence between the Lords of the Treasury and the Auditor of the Exchequer, (see p. 677). On the question being put,

Mr. *Tierney* assured the right hon. gentleman that he wished not to throw any difficulty in the way of his motion, or of the proposition to be considered under it; but he thought the House should be on their guard how, under the present circumstances, they gave into the practice of going into Committees on various subjects. They had, at the commencement of the business, determined to confine themselves to the single case of appointing a Regent, and had therefore formed themselves into a Committee on the State of the Nation, and he thought this business would be much better adapted to that than to a Committee of the whole House.

The *Chancellor of the Exchequer* apprehended the circumstances before the House were sufficient to justify such a proceeding. If the right hon. gentleman would suggest any course more in conformity to the practice of the House, he should be ready to avail himself of such suggestion, if to act upon it should be equally practicable. The information before the House justified the course he proposed from necessity, as it was necessary that certain issues should be made which could not be made without the concurrence of Parliament. It was proposed to go into a Committee, that the circumstances of the case might be taken into consideration as a *prima facie* proceeding. It was his intention to move in that Committee that authority be given to make certain issues. It was always considered best to discuss such subjects in a Committee. He agreed with the right hon. gentleman, that the subject might be more properly taken into consideration in a Committee on the State of the nation, had not that Committee been adjourned to Tuesday. Under such circumstances, he conceived a Committee of the whole House fully competent to provide for such an emergency. That which the House could do in itself, he thought could quite as well be done through the intermediate discussion of a Committee. He was however perfectly ready to give his acquiescence to any better mode that might be proposed.

Mr. *Tierney* agreed with the right hon. gentleman, that nothing should be done which was not justified by the necessity of the case. If, however they went into a Committee of the whole House on that occasion, the right of doing so might be assumed hereafter in other instances. He could well comprehend the advantages of discussing such subjects in a Committee, but he objected to going into a Committee of the whole House on that which ought to be referred to the Committee on the State of the Nation. He thought there could be no harm in their then going into a Committee on the State of the Nation, and wished to know of the Speaker, if the order for Tuesday could be discharged?

The *Speaker* apprehended that it was not the ordinary course of the House to discharge its orders for the purpose of accelerating the discussion of that which might come before it. The House was the best judge of its own proceedings. It was difficult to give an opinion on the present case as a matter, or on a ground, of precedent; the Convention Parliament, at the Revolution, had confined their proceedings to the single point of filling up the vacancy in the third estate; in the Restoration Parliament they entered into the consideration of a great many money matters and other subjects. According to the present usage of the House, he thought they could not go into a Committee on the State of the Nation, that Committee having been adjourned to Tuesday, without departing from the customary practice of the House, but in all cases he conceived Parliament had ever proceeded according to its own views of the necessity of the case.

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† Clerk's name.

‡ Here insert the Lord Keeper's name.

§ By the Lord Keeper of the Privy Seal.

The *Chancellor of the Exchequer* observed, that there was but a choice of difficulties. Notice having been clearly given, that the Committee on the State of the Nation would sit on Tuesday, if they decided upon going into the Committee on the State of the Nation, then it would virtually be but a Committee of the whole House. The little importance of the mode which they might prefer, was however such that he should really feel ashamed of standing up against any considerable number of gentlemen who might feel anxious to adopt a mode different to that which he had proposed.

Mr. *Adam* was of opinion that there was a great deal more than form in this objection of his rt. hon. friend, and if there was reality in it, the House ought to consider it. He would therefore submit, that the House should resolve itself into a Committee on the State of the Nation, and thought the Adjournment to Tuesday, was no bar to such a proceeding. Great importance seemed to him to attach to the name of the Committee the House should now open. It had been agreed to go into the State of the Nation only, and if it was now agreed to open any other Committee, there was no knowing where they might end.

Mr. *W. Smith* thought, that as the Committee on the State of the Nation was adjourned only for a particular purpose, there was no sound reason why the House might not resolve themselves into the same Committee for other purposes.

Mr. *Yorke* had no objection to the adoption of any mode most analogous to the practices of the House. He was content to go into a Committee on the State of the Nation, if that could be allowed by the forms of the House. It was very unimportant whether the Committee were called a Committee on the State of the Nation, or a Committee of the whole House, though had not the Committee on the State of the Nation been adjourned to Tuesday, he would have given that the preference. If they went into a Committee on the State of the Nation, the order must necessarily be discharged, and the subject taken up *de novo*. He should have thought from the statements that had been made, there could be no objection to a Committee of the whole House, if a special entry of the reasons they had for doing so had been made.

Mr. *Ponsonby* was not of opinion that the question was quite so immaterial as some members seemed to think. They had all seen in the late discussions how much weight precedent carried with it. Where a precedent could be adduced, numbers would be found ready to follow it right or wrong, because others had acted so before. If they went into a Committee of the whole House improperly in one instance, they might claim a right to do so in another. He approved of the idea thrown out by the last speaker, of making a special entry of the reasons which induced them to do as was proposed, if they went into a Committee of the whole House. That idea had with him great weight, as if they drew up a proper explanation of their conduct, and the reasons by which they were influenced, it would be as satisfactory to posterity as to themselves.

The *Speaker* said, that a departure from their ordinary course of proceedings might be justified by the circumstances of the case. The House could, however, adopt a middle course, by going into a Committee of the whole House, and entering on their Journals, that this was done on account of the Committee on the State of the Nation having been adjourned to Tuesday.

Mr. *C. W. Wynn* concurred in the suggestion.

Mr. *Sheridan*, though no man could bow with more deference to the chair than he did, differed from the Speaker with respect to the circumstances in which they were placed. If they went into a Committee of the whole House, when they ought to go into a Committee on the State of the Nation, entering on their Journals that which it had been proposed to insert as a reason for their adopting that line of conduct, no one could tell how far the principle might hereafter be carried, and what might be the inconveniencies which thence might arise. In point of fact, he contended, that no adjournment of the Committee on the State of the Nation had taken place. It was true that they had reported progress, and expressed their intention of sitting again on Tuesday, by asking leave to sit again on that day; but still he maintained there was nothing to prevent their sitting before. If, for instance, the King had happily recovered while they were so situated, would any one tell him that they could not sit again till Tuesday. He did not see any impropriety in their resolving themselves into a Committee on the State of the Nation immediately, if in consequence of new matter arising such a course of proceeding should appear expedient.

The question was put that the House should resolve itself into a Committee of the whole House, and carried without opposition. The House then resolved itself into the said Committee. Upon which,

The *Chancellor of the Exchequer* immediately rose for the purpose of submitting to the Committee the Resolution, of which he had given notice on this subject, and which the peculiar urgency of the case rendered indispensable. The discussions, which had already taken place, must have put those who heard him in possession of the grounds upon which he had formed an opinion, that it would have been extremely desirable, if possible, to avoid bringing this question under the consideration of the House. It must be obvious to the Committee, why he conceived it an infinitely better course for the responsible servants of the crown to take upon themselves the consequences of making certain issues for the public service, and to risk the censure or wait the indemnity of parliament, rather than to procrastinate public business by putting the House to the inconvenience of discussing such topics from time to time. This impression was particularly strong upon his mind, as it was absolutely impossible, that great and manifest public inconvenience must not result from the circumstance of more and more of the powers of the executive, successively devolving upon, and being exercised by the two Houses of Parliament. By the Papers which had been laid on the table, the Committee were in possession of the grounds upon which the application he was to make, rested; but as some hon. members might not have yet had an opportunity of making themselves acquainted with the nature of the case, or with the peculiar circumstances which gave rise to the present demand, he thought it would not be amiss, nor unnecessarily occupy the time of the Committee, if he were to premise a few brief observations explanatory of the case, in order that every member of the Committee might be competent to decide upon it correctly.—It was hardly possible, he must observe, for any hon. gent. within the walls of that House to suppose that ministers could think themselves competent to raise one farthing of money from the public without the concurrence of parliament. Than such an idea nothing was more remote from their thoughts, and on this head he was confident no man who heard him could entertain a doubt. All that ministers had required was, that certain sums of money, which had already been granted for certain purposes by parliament, should be issued in order to be applied to those purposes for which they were granted. In making this requisition, there was a defect in point of form—that, however, which was wanting was merely an act of form, as the act relating to such issues had directed expressly that the necessary issues should be made by the Lords of the Treasury. He wished it to be distinctly understood, that it was only required that certain sums should be issued for certain services, for which they were intended,—that it had been the usage of the Exchequer to issue such sums upon such requisition—and that it could most undoubtedly be done by the authority of parliament, without its having been directed to be done by the King. It could be done by virtue of that authority which had been long acknowledged to belong to them, and not by any authority hereafter to be acquired. The signature of the King was therefore a mere matter of form, and of as little importance as it could possibly be in any one instance, if it was not of less than in any other. In the general view of what he conceived to be the direct course for ministers to pursue, the Order had been issued to the Exchequer from the Treasury. He had always thought that would be sufficient, and this he had intimated in a former debate. The manner in which that intimation had been received, seemed to imply a doubt as to whether that authority would be obeyed. In consequence of this, he had thought it his duty to ascertain the fact. Finding himself deceived in his expectation, he had then endeavoured to get the Privy Seal to the Warrant. The Keeper of the Privy Seal thought himself at liberty to apply it as appeared necessary, but the Clerks of the Privy Seal seemed to think themselves forbidden, by their oaths, to obey in this instance the instructions of the Lord Keeper of the Privy Seal. This was an objection which could not easily have been removed. It remained then to be considered, whether there was any other course, by which the issue could be obtained for the public service, but unfortunately none could be discovered strictly speaking legal and valid. The opinions of his hon. and learned friends (the Attorney and Solicitor-General) upon a consideration of the acts, were clear as to that point. When he found, therefore, that he could not obtain the Privy Seal, and felt that it was essential for the public service that the thing should be done, he caused the two warrants to be issued from the Lords of the Treasury, requiring under the existing exigency, the issue of the sums respectively mentioned in the warrants. In reply to these warrants, a Letter was received by the Lords of the Treasury from the Auditor of the Exchequer, in which he expressed "That he had, up to that "moment, been totally unapprised of any "intention on the part of the Lords of the "Treasury to transmit to him such war- "rants; but had every reason to believe "that the officers of the Exchequer were "to be called upon to act upon this occa- "sion under the authority of his Majesty's "privy seal, which, however irregularly "it might have been obtained, would have "been, in his judgment, imperative upon "them. It therefore became necessary "for him to consider the nature and ex- "tent of the duties which this new and "unexpected course of proceedings im- "posed upon him, and therefore he re- "quested to be informed within what time "it would be necessary for avoiding in- "conveniences to the public service, that "such orders should be drawn and trans- "mitted to their lordships."—To this letter it was answered from the Treasury— "That according to the usual course of "supplying the weekly issues, both to the "army and navy, it would be necessary "that sums should be issued beyond the "amount of the existing credits, yet if "orders could be so furnished, as to admit "of actual issue by the following Mon- "day, he apprehended no serious incon- "veniences could arise from so short a "delay." To this followed a Note from the Auditor of the Exchequer, wishing for the Opinion of the law officers of the crown, and the Opinion of the Attorney and Solicitor General having been taken, in consequence of this request of the Auditor of the Exchequer, they were forwarded accordingly. The next Note in the correspondence was from the Auditor, who having perused the Opinion of the Attorney and Solicitor General, and the whole of the documents communicated to him, gave it as his opinion, that the warrants of the Lords of the Treasury were not sufficient to authorise him to order the issue required. In a letter which accompanied the communication from the Lords of the Treasury, it had been stated, "That "their lordships' sense of the mischief "which would arise to the public service "if any delay should take place in the "issue of the money, required by the "warrants, dated December 31, 1810, "appeared to render it indispensably ne- "cessary that those warrants should be "forthwith complied with, and that they "were consequently ready to take upon "themselves the responsibility of any act "which might be necessary for that pur- "pose." He (the Chancellor of the Exchequer) had certainly thought, till the receipt of the answer to that letter, that the noble Lord at the head of the Exchequer would have complied with that requisition. He had no intention of passing any censure on the conduct of that noble lord, after the Opinions given by the Attorney and Solicitor-General; yet when the Lords of the Treasury had offered to take upon themselves the whole responsibility of the act, he had hoped that the course, which that noble Lord would have taken would have been to comply with the requisition in consideration of the urgent necessity of the case, but at the same time to make a protest against the informality or illegality of the proceeding, in order distinctly to mark, that he was no party to the transaction, and to cast the responsibility altogether upon those, under whose authority he had been induced to act. That the Auditor of the Exchequer would even in such a case be in some degree responsible for acting he was not prepared to deny, but it must be obvious upon any fair view of all the circumstances, which he had detailed to the Committee, that the great weight of the responsibility would have rested, where it unquestionably ought to rest, with the Lords of the Treasury. The noble lord, however, felt differently, and feeling differently had thought proper to decline a compliance with the requisition. For his own part he would not presume to say that he might not have been wrong in the view which he had taken of this subject. Whatever may be the opinions of other gentlemen, the grounds upon which he had acted appeared perfectly satisfactory to his own mind. His conduct had been regulated throughout this business to the best of his judgment with a scrupulous regard to the principles of the constitution. If he had been capable of acting differently—if instead of acting as he had done, he had come originally to parliament, he should have expected that his conduct (in not relying on the acts of parliament which justified that conduct in his own mind) would have been censured as one of the greatest acts of pusillanimity that ever disgraced a public officer, thus to fear applying the money voted by parliament for certain purposes to the services for which it had been granted. He would here read to the House two clauses from the Care and Appropriation Acts. The first was from cap. 45 of the act passed last session, for raising twelve millions (if he was not mistaken) by loan. [Here he proceeded to read the clause, which enacted that it should be lawful for any three or more of the Lords of the Treasury, or the High Treasurer of England, to issue certain sums of money for certain purposes.] He wished it to be observed, that it was there enacted, that it should be lawful for three or more Lords of the Treasury to order such issues. (He then proceeded to read the clause in the Appropriation Act, which set forth, that certain sums were to be applied to the purposes, for which they were voted, by the Lords of the Treasury.) From the evidence thus afforded, and from every thing else, he thought, that in point of strict law he should have laid himself more open to censure, if he had originally come to parliament for authority to perform an act of executive government, when he had the forms for the requisite issues thus pointed out to him by the acts he had cited. When, however, his learned friends (the Attorney and Solicitor Generals) had given him their opinions on the subject, and convinced him that warrants so issued were not valid, he had still felt that that was the line of conduct proper to be pursued, as it was the mode most analogous to that pursued in ordinary cases. Such were his ideas on the subject; and if, instead of acting conformably to those ideas, he had thrown unnecessarily more of the executive power into parliament, and tremblingly abstained from ordering such issues as he felt the emergency of the case required, from a dread of their censure, that censure would have been richly deserved. With this feeling he had taken upon himself to issue the order he had given. That he might have done that which in the opinion of some was unconstitutional, unprincipled, and illegal, he was aware, but he trusted that his justification would be found in the necessity of the case.—The principles upon which he had acted were those, which appeared to him most consistent with his duty as a member of his Majesty's government, and best calculated to promote the public service; and, however, it may please gentlemen to assimilate or compare him to Reubell or any other member of the directory of Revolutionary France, he would assure those hon. gentlemen that he should not be deterred by any such imputations from pursuing what his conscience told him was the line of his duty. In the same spirit of fairness he and his colleagues had been called usurpers, who had taken the whole executive power into their own hands, but he trusted the House would not be greatly surprised at finding he was but little alarmed at such imputations. This was one of the usurpations of which he had been guilty—this was one of the stretches of power which might be laid to his charge. He knew of no public inconveniences that had arisen from their usurpations, as they had been called. He had never said that no inconveniences would arise from the indisposition of his Majesty, but he had said, that no sudden inconvenience was to be expected to arise within the period for which he on a former occasion proposed to adjourn, equal to that which might be expected to result from the adoption of any precipitate measures. He was certain gentlemen would not have any hesitation in coming to some resolution for allowing the requisite issues to be made. He was confident it would not be said, that no resolution of the nature of that which he intended to propose ought to be come to by the Committee. What public inconvenience was to be expected from it? He had been asked, why he had not brought the subject forward at an earlier period? He would readily answer that question. He had thought the mode of proceeding which he had recommended strictly legal till he was better informed by his learned friends. He had, therefore, in the first instance anticipated no difficulty. Afterwards when he found there was a difficulty, he had expected it would have been removed by means of the privy seal. Failing there again, he had caused the warrants to be issued on their own responsibility by the Lords of the Treasury. When he did this he was aware of the nature of the step he took, but it was one which he felt authorised by the necessity of the case at the period when it was taken.—Had he taken such a step a fortnight ago, there would not have been the same necessity, at that period, of calling upon the auditor, and consequently not the same justification of the act. Feeling, therefore, the full force of this consideration, he had thought it proper to make such an application at a period when he felt it was justified by necessity, while at the same time it afforded them an opportunity of discussing its expediency in Parliament. It had been said that those who professed the greatest veneration for the precedent of 1788, were acting in direct opposition to it in 1811.—That they were taking a course contrary to the one pursued at that period. He would be glad to know if there were any authority for that assertion.—Had those who made that assertion any means of proving that what was now proposed was the reverse of what would have been recommended by the administration of that day. If they had any such authority, let it be immediately produced. If no such step was taken at that period, it did not follow that the step now taken would not then have been adopted under similar circumstances. If no such measure had been recommended by the government or the parliament at that time, it might be that no such measure was called for by the circumstances of the times, and therefore that was not authorised then which was justified by necessity now. The change which had taken place in the situation of things, might easily account for this. At that period we were in a state of profound peace, at the present day the country was involved in war. Then no serious inconveniences could be apprehended from the delay of issues as in the present instance, and therefore there was nothing to justify the proceeding which was now found necessary for the public good. With respect to the administration of the domestic concerns of the country, it went on without the immediate interference of his Majesty. His patents given under the great seal, &c. &c. enabled all the departments of government to continue to exercise their authority thus legitimately gained. There were some instances in which the royal signature was of necessity required to enable the officers of the crown to go on with the public business. The judges, however, were not interrupted in the administration of justice; their commissions fully authorising them to continue the exercise of their judicial functions. In March 1789, previous to his Majesty's recovery, the judges went their circuits, as they usually do under the authority of the great seal, and he could not think the judges of England would have done this had it been illegal. There were also many serjeants and law officers, on those occasions, usually put into the commissions by the King's sign manual; these officers were at that period supplied, though they could not be put in the usual way, and this circumstance proved to demonstration that that great law authority of whom mention had in the course of these discussions been made so often, felt that necessity could authorise him to act as he did, and to do that which was not regular, and which, under other circumstances, might be censured as illegal. Actuated by a similar feeling, the then lord lieutenant of Ireland had given orders which he conceived to be essential to the public service, with respect to the troops to be sent to and received from America.

In the order which he had directed to be issued from the treasury to the exchequer, and in the letter which followed, he had given the officers of the exchequer authority to make the issues, for which, though undoubtedly they would in some degree be answerable, the lords of the treasury avowed their willingness to take the whole of the responsibility upon themselves. That he thought was the proper line of conduct for persons in office to pursue. A person situated as he was, ought, in his opinion to say, when he found it necessary to issue any order; so and so must be done, I cannot legally authorise the doing of it, but you know the circumstances of the case; and you must trust to a covering anthority hereafter, and hold yourself justified by the necessity of the case.—This, however, was not to be done but in a case of necessity. He thought it important that they should concur, if he took a right view of the subject, in thinking that parliament ought not to be unnecessarily applied to for an exertion of the executive power. There were those who contended, that if the army in

Portugal wanted support, reinforcements ought not to be sent, if the Houses were sitting, without an application to parliament. This went to say, that the sanction of parliament should be gained before any thing should be done at any time, by the King. If they could not send out troops at any time without the authority of the King, under any circumstances, as much embarrassment might possibly arise within the first fortnight that the parliament had adjourned, as within the six weeks of which so much had been said. Could it be said that ministers should come down and say to parliament, that reinforcements were necessary to be sent to Portugal, and move a resolution empowering them to send out troops, if it should appear expedient? Would it not be said that a minister who would thus seek to get an anticipatory vote, acted more improperly than he who said he was placed in an embarrassing situation, but having no present means of getting out of it, as he could not immediately resign, acted as circumstances seemed to require, and took the responsibility upon himself. He who would come down to gain first the sanction of Parliament to that which might become necessary, would lead them to vote in the dark, or he must lay before them the whole of the documents relating to the army, showing the situation in which they then were, the nature and extent of the requisitions made by its command, the plan on which it was proposed to act—whether an offensive or defensive system was to be adopted—in short every thing connected with the subject must be laid before them, that every point might be discussed, the effect of which would be to let the enemy know in a few hours what was intended to be done, or what were the formidable apprehensions entertained. He hoped it would appear obvious, that it was better that ministers should act on their own responsibility, than to have the affairs of the country carried on in such a manner. The case in which they stood at present was a case of actual necessity. The money required was essential to the public service, and could be obtained by no other means than those by which they endeavoured to gain it. He was persuaded that it must appear to the House highly inexpedient for ministers to be obliged to come every week or so to parliament on such an occasion. It was proper that the Lords of the Treasury should have the power of ordering issues, notwithstanding the forms of the exchequer, and it was better that that power should be at once given by one vote, than by repeated resolutions, in consequence of repeated applications to parliament. Feeling this, his resolution would begin by stating it to be necessary, under existing circumstances, that certain sums granted for certain specified services should be issued and applied to the services for which they had been granted; and that it was expedient the Lords of the Treasury should issue warrants, for such issues, which the officers of the exchequer should be bound to obey. He would now move his resolution, which was rather long, but which he trusted would meet with the approbation of the Committee.—The right hon. gent. then moved, —" That it is the opinion of this Commitee, that it is necessary, in the exigencies of the present conjuncture, that, until due provision shall be made for supplying the defect in the royal authority, such sums as have been appropriated for the services of the Navy and Army, by the act of last session of parliament, and other acts for enabling his Majesty to raise three millions, should be issued, in conformity with said acts accordingly; and that it is expedient that the Lords Commissioners of his Majesty's Treasury should be required to issue their warrants to the Auditor of the Exchequer, for the payment of such sums as the exigency may render necessary; and that the said Auditor and Officers of the Exchequer are authorised and commanded to pay obedience to the warrant in this behalf, and to pay such sums as appear necessary, according to the warrants of any three or more of the Lords Commissioners of the Treasury, which they may issue from time to time."

On the question being put upon the Resolution,

Sir *John Sebright* said, he thought the course which the right hon. gent. had pursued was the best, the wisest, and the manliest that could be adopted under the circumstances: it met with his entire and most decided approbation. He wished that provision had been made to meet the exigency earlier, but as matters stood the right hon. gent. had done his best for the good of the country, he stood forward fairly, he did not shrink from responsibility, and was entitled to the applause of the country. Admiring, as he frequently had occasion to admire, the manly, fair, and candid manner in which that right hon. gent. had acted upon former occasions, he trusted that neither he nor the House would think it impertinent in him to have expressed his opinion upon the present.

Earl *Temple* said, that if the right hon. gent. felt himself in a distressing situation with respect to the issue of money necessary for the public service, it would be incumbent on the House to go a little back and consider what were the circumstances which led to this distressing situation. Parliament met on the 1st of November, the day to which they had been prorogued. Frequent adjournments had been proposed by that right hon. gent. and agreed to upon his distinct assertion, that no practical inconvenience would result from those adjournments. It now appeared under the right hon. gentleman's own hand, that an issue of public money must be made contrary to the practice of the Exchequer; that the usual forms in making such issues must be deviated from; or that a great public inconvenience would be suffered. The right. hon. gentleman, indeed, had endeavoured to obtain the money without recurring to parliament; but in this attempt he had not succeeded. Notwithstanding the urgency of the occasion and the necessity of his being furnished with the means of meeting it, the right hon. gent. had gone on without apprising the House of the real state of the case, while he could command a guinea, and it was not till his money was exhausted, and he was no longer aware of any regular means of drawing more from the Exchequer, that he had thought proper to apply to parliament for authority to call upon the Exchequer for the issues indispensably necessary for the public service. The right hon. gent. however, had said, that as the sums of money had been appropriated by Act of Parliament for those services, he thought the warrants of the Lords of the Treasury were legal, until he was informed by the Attorney and Solicitor-General that they were not legal. He had also said, that it never entered his head that the Auditor of the Exchequer would refuse to issue the money on these warrants, and it was on that account that he did not state to the House an inconveence which he did not anticipate. If he felt so little doubt upon this point, why did not he think of the warrant in the first instance? How came it, on the contrary, that it was to the Privy Seal he looked in the first place; and that it was only when he could not obtain the Privy Seal, in consequence of the scruples of the clerk, and when he could not get the Great Seal either, then and not sooner, he should have thought of the warrant. It appeared evidently, then, that he must have known of the illegality of the treasury warrants, and ought therefore to have anticipated difficulties in obtaining issues of money by their means.—But it was asked, why should not the officers of the Exchequer subject themselves to the same responsibility which the Lords of the Treasury were ready to take! It was very easy to see the difference. The authors of the public exigency must of course be responsible for their measures. Why did they not sooner fill up the deficiency in the Royal Authority? If the Royal Authority had been supplied by the proper representative as soon as it ought to have been supplied, this difficulty would never have occurred; and it would be too much to expect that the Auditor of the Exchequer was to take upon himself any part of the responsibility which was occasioned solely by the delays of ministers. The right hon, gent. had said, that the difficulty did not occur in 1788; but then it must be remembered, that that was a period of profound peace, and consequently such issues were not wanting to pay the army and navy as were now wanting. The financial necessities of the country in 1811 were so very different from what they were in 1788, that in this point the precedent would not apply at all. It had been allowed by the right hon. gent. as an abstract proposition, that while Parliament was sitting it was the duty of ministers to apply to them in cases of difficulty; but the right hon. gent. had also put cases to shew, that the abstract principle would not apply to the present circumstances. He stated, that if reinforcements were to be sent to the Continent it would be injurious to the public service to have any disclosures made in Parliament. But here again the same question occurred, was it right to keep the regal authority so long unsupplied? If, while ministers were sending reinforcements to the Continent, they had proceeded *pari passu* in filling up the executive government, no one would have blamed them for what their duty as ministers required them to do in the interval. If however they chose rather to make a most unnecessary delay in supplying the royal power, they might certainly execute some of the functions of royalty on their own responsibility; but they were not to expect other persons to share with them in this responsibility.—The real question, which the committee was in that instance to consider, lay in a very narrow compass. Every loan bill and appropriation act stated, that the authority by which the money was to be issued should be under the signature of three Lords of the Treasury. Another act however stated, that money should only be issued under the Great Seal or the King's sign manual, or by the positive directions of an act of Parliament. The constitution and the law did therefore clearly mean to put some check upon the Lords of the Treasury. If it were not so, they would have the entire revenue of the country completely in their own hands. It was now allowed by the right hon. gent. on the authority of the Attorney and Solicitor General, that the warrant was not legal. Now, what was it that he wanted the Auditor of the Exchequer to do? Why having himself brought the country into the exigency, he calls upon lord Grenville to help him for whatever time he chooses to retain the power in his own hands, by issuing money from the Exchequer in a manner contrary to law, and to the practice of the office. This was what he could hardly expect lord Grenville to do. The officers of the Exchequer would prefer being governed by the constitutional power of Parliament, rather than by the unconstitutional and assumed power of the right hon. gent. If there was not some check or limitation on the powers of the right hon. gent. he would have no occasion to fill up the deficiency in the royal authority at all. He might go on for weeks, for months, or years without a Regent, if he was enabled on his own warrant, or the warrant of three Lords of the Treasury, to draw the whole revenues of the nation out of the Exchequer, and apply them as he thought proper. He wished, however, that it should be recollected, that no public inconvenience had happened on this account, and that Parliament had now been sitting for a considerable time, and ministers had only themselves to blame for not stating this difficulty sooner.

Mr. *Rose* said, that his right hon. friend had in the first instance tried to obtain the Privy Seal, after having failed in which he naturally had recourse to the Auditor of the Exchequer. The words of the acts which his right hon. friend had quoted, did authorise the Lords of the Treasury to issue money, but the noble lord contended that the words should not be so interpreted, and that the authority of the Privy Seal, or the Sign Manual, was essentially required. He (Mr. Rose) could hardly think, that words so plain, as those of the acts to which he alluded could have any other meaning than that ascribed to them by his right hon. friend. The act of William, it was true, directed that no money should issue from the Exchequer unless upon the authority of acts directing its application, but here were the particular acts which gave that authority. What said the words of the consolidation act? it said that the dividends should be issued by the Lords of the Treasury, and by no other. Did these words admit of no more than one interpretation. To the conduct of lord Grenville he did not attach the slightest blame; he had no doubt but that he was actuated by a wish to do his duty, but the words of the law were so positive that he was not surprised at the application made by his right hon. friend. What he rose principally to shew was, that the Lords of the Treasury were in the habit every half year, at the payment of the dividends, of acting against the principle to which they were now attempted to be restricted.

Mr. *Ponsonby* observed, that there were some parts of the speech of the right hon. gent. which he was compelled to notice. When he first read the Loan and the Appropriation Acts, he certainly was not clear but that the treasury might issue warrants for the disbursement of money from the Exchequer; and it was not until he heard the opinions and the very respectable law authority of the Attorney General and the Solicitor General to the contrary, as grounded on the invariable practice of the Exchequer, that his opinion to the contrary was decided. To their authority he bowed with great deference; but after all, that did not affect the merits of the question before them in the shape of a Resolution, as proposed by the right hon. the Chancellor of the Exchequer. That Resolution shewed more strongly than all the logic and all the eloquence of all the members of that House put together, the necessity that existed of supplying without delay the deficiency that existed in the executive government. Nothing could more forcibly demonstrate the imprudence of the course they had been persuaded by the hon. gentlemen opposite to take—to pass by the plain, simple, obvious, and constitutional mode of proceeding, sanctioned by the precedent of one of the best parliaments that ever the country saw, for the purpose of preferring a mode founded on fiction, and inconsistent with the law, the constitution, and even with common sense or reason. Look at the Resolution—you thereby "require the lords commissioners of his Majesty's treasury to issue their warrants to the auditors of the receipt of the exchequer, for the payment of such sums as the exigency of the case may render necessary;" and go on to state that "the said auditor and officers of the Exchequer are hereby authorized and commanded to pay obedience to the warrants in this behalf."—Here, then, were the Houses of Parliament, in direct words, undertaking the executive authority, and commanding the officers of the Exchequer to issue monies. Were those of his side of this House during the late discussions wrong, when they said, that if the mode recommended by the right hon. the Chancellor of the Exchequer were followed, it would lead to the usurpation by parliament, of the power of the crown? He indeed, did not expect that the truth of their opinion would be so soon verified; that it would be so speedily proved, that if they took the step recommended to them, they would be compelled to follow it up by doing what was not warranted by the law or the constitution. When the right hon. gent. last night made his statement, he (Mr. Ponsonby) was struck with the exigency of the case; but he had no idea that the right hon. gent. would attempt to obviate the difficulty by such a measure as he had now proposed. He supposed he would rather have asked an opinion or declaration of the House, that when it met legally as a parliament it would do all in its power to indemnify those responsible for the act, which might be resorted to under the pressure of the necessity of the case. But it never occurred to him that a Resolution like this would be offered—a Resolution to assume the authority of the three estates, and of the crown acting in full concert with the legislative bodies. With such a Resolution he could never concur. Much had been said of the courage of ministers, in being willing to encounter all responsibility on this occasion. When responsibility was incurred for the purpose of serving the country, no man would applaud more than himself the minister who fearlessly incurred it for the public good. But he did not give such praise in the present instance, when the right hon. gent. had brought the difficulty upon himself and them, and it was only his own conduct which rendered responsibility at all necessary. The right hon. gent. had told them he was not answerable for the delays sanctioned by parliament. This was true: he was not responsible for what parliament had agreed to on his statement, he could only be responsible for giving false information to induce parliament to do what they would not otherwise have done.—But this was not the question now. They had to consider whether they would vote this Resolution or not. For himself, he felt an invincible objection to it, and he cared not whether they assumed the royal authority to command the officers of the Exchequer to act, or took the Great Seal into their hands—to both he had insuperable dislike. He would object alike to the one and the other; and for this reason—because they had an obvious mode of avoiding both, by promptly, safely, and immediately supplying the deficiency in the royal authority. In that case the three estates being full and complete, the constitutional orders necessary for the public service might have been legally given; but by the course now taken, they were involved in acts against the constitution, as well as against common sense and reason. The question had ben puzzled with legal definitions and arguments, but he was sure that no plain man, not perplexed with these subtleties, could hesitate for a moment between the two courses. The one presented a clear unembarrassed mode of surmounting their difficulties; the other was a phantom which would lead them to no good result. He objected to the Resolution as growing out of their original error—out of their original sin. It was impossible to sanction it; but, whether high or low—whoever it was in office who did any thing for the public service, he would at a future period go as far as any man to indemnify them for such acts.

Mr. *R. Dundas* said, that the objection of the right hon. gent. to the issuing a command by the House, must fall to the ground when they referred to the letter of lord Grenville. It was there asserted by the noble Lord, that "with them resided, under the present exigency, the power to command those official seals, the use of which would constitute an imperative and unquestionable authority to the officers of the exchequer." The House had no reason to think, that the bare declaration of an opinion as recommended by the right hon. gent. would ensure the obedience of the officers of the exchequer, on the contrary, there was every reason to conclude, from the Letter to which he alluded, that they would submit to a positive mandate alone. The privy seal was not, as the noble earl (Temple) had stated, the first expedient resorted to. One would suppose, by the defence into which that noble earl had entered of the conduct of his noble relation, that the conduct of that noble relation was attacked; but nothing could be more clear than the expressions of his right hon. friend upon that head, he having distinctly avowed that he attached no blame whatever to the auditor of the exchequer, but believed him to have done what he felt to be his duty. A resolution expressing merely the opinion of the House, besides being liable to the objections he had already stated, would have no tendency to remove the scruples of those officers who considered that their oaths stood in the way of their compliance with the warrants from the treasury. But it had been said, that the present transaction was a proof of the inexpediency of the proceeding they had already taken, and great complaints had been made against the delay of ministers. A right hon. gent. had taken a very proper distinction upon this head, when he said, that ministers were not responsible for the delay to which Parliament assented, unless they had made false statements for the purpose of procuring it. What his right hon. friend had said with respect to inconvenience, was not that none would occur, but that none would occur of sufficient magnitude to counter-balance the evil of precipitancy in resorting to a Regency on the moment. The noble Lord had said, there was no knowing where such a power as that proposed by the resolution, would stop, but there was evidently a limit beyond which it could not be pushed, for the resolution went only to money granted by Parliament, so that there was no danger of its going on from week to week or from month to month, when the extent of the power applied for was so clearly defined. The noble Lord was further desirous that Parliament should act themselves; but to him it appeared indisputable that it was the right and duty of the House to supply the defect in the executive, not to execute the duties of the executive in their own persons.

Sir *Arthur Piggott* conceived that his right hon. friend was perfectly right not to attach any blame to the noble lord (Grenville) who had proved that he understood the law, and, as it now appeared, had acted with the sanction of the law officers of the crown. No money, he would contend, was ever issued from the Exchequer without the authority of the Great Seal, or the Privy Seal, by his Majesty's authority. The construction of the acts cited could not go to the exclusion of the royal authority, and no authority, such as was stated, was ever vested in three Commissioners of the Treasury; they had no more right to issue money without the authority of the King, than any other three persons. When his right hon. friend had said that no inconveniencies could result from delay, he no doubt was of opinion that money could have been so issued, and therefore he might have been sincere, but he was not accurate. The warrant was a measure, which if it was justified by necessity, was not sanctioned by law. The right hon. gentleman had said he would take the responsibility on himself, and this he thought might have satisfied the Auditor of the Exchequer. But what sort of responsibility was that of an officer, whose duty it was to take care that the money should issue legally, after conniving at its illegal issue, if he should plead that those very men on whose behalf he had permitted the illegal issue had taken the responsibility upon themselves, that not he, but they were answerable; would this be admitted to be a satisfactory defence? Was it not too ridiculous to be thought of? Would it not be said that he should answer for his own acts, and that the Chancellor of the Exchequer could no more take this responsibility upon himself than any other individual. The money applied for would admit of no delay in the issue; but the manner in which they were called upon to grant it, was a practical proof of their former unconstitutional proceeding; it was an early and he hoped would prove a salutary warning. He dreaded the extent to which this power, if the principle were once admitted, might be carried; they might take upon themselves the whole executive government to make peace and war, to create Chancellors if necessary, in short to do what only one parliamentary assembly had ever done before them, the assembly of the Long Parliament.

Mr. *Yorke* said that he would not follow the hon. and learned gent. through all his arguments, a considerable part of which, however adapted to former or future questions, was not applicable to the present. In the latter part of his speech he had gone into a detail of the inconveniences arising to the public from the course already pursued, but whatever might be the opinion of that hon. and learned gent. upon this subject, he must contend that he had a right to justify that course upon the Resolutions already agreed to by the House. The second Resolution declared that it was the right and duty of the two Houses to provide for any deficiency in the royal authority in cases where absolute necessity occurred. It followed from this, that those who were in office should continue to act on their own responsibility, and the Houses should only be applied to in cases of necessity. A case of extreme necessity had now arisen, and this of course justified the application. The hon. and learned gent. who spoke last, had taken a great deal of pains to defend the character of lord Grenville; but the defence was quite needless, because no attack on it had been made. The noble lord was certainly the best judge of his own actions and the fittest person to decide whether he ought to take the responsibility on himself or not. At best, he could only have incurred a legal or formal responsibility; because the money which he was solicited to issue, had in the first instance been actually appropriated by parliament. But even should he issue the money under an order of the two Houses of Parliament, he was still responsible; because the legal issue required the authority of the Sign-Manual or the Privy Seal. The hon. and learned gent. had laid down a rule with respect to the issue of money, in which he was not correct. He had said that no money had ever been, or could be issued out of the Exchequer without the authority of the Privy Seal or the Sign Manual, but all the dividends to the creditors were issued without such authority; and, as his right hon. friend (Mr. Rose) had observed, every half year produced cases to which this rule did not apply. The continuance of the practice of affixing the authority of the King's Seal in other instances subsequent to the Appropriation Act, was perhaps to be accounted for from habit. It had been said that parliament should not command; he would confess it should not command nor interfere at all unless necessity required, but the chests would not be opened without the order, and the order should be made so strong and imperative as to leave no doubt of it being complied with. Besides, there were instances in which parliament had done the same thing before when the necessity existed. At the time of the restoration parliament gave the most decisive commands. The difference between the two cases was, that at that time there were no officers of the crown in existence, but now they were obliged to come to the House by the desire of the officers themselves.—He had now stated his cursory view of the subject, and in doing so he hoped he had not departed from that temper which he was happy to see had been so generally observed during the present debate. He augured, indeed, from their good temper, a most favourable omen. It was cheering to see that as their difficulties increased their patience and their mildness augmented. Some gentlemen opposite seemed to think that the present necessity had been originated by ministers, and the delays which their deceitful representations had occasioned. Every adjournment, however, had been agreed to by the House; and, most undoubtedly, the grounds of those adjournments had been stated by ministers on the most correct view which they could take of the subject. As to the present difficulty, it was impossible for them to have foreseen it. No minister could foresee that any man, with a reasonable mind, could have started the objection which lord Grenville did. In saying this he did not mean to attach the slightest blame to the noble lord: no doubt he acted on his own view of the case, and he was certainly the fittest person to judge as to what share of responsibility he would incur.

Mr. *Tierney* did not think the Committee exactly knew to what extent they were going to pledge themselves and the country:- they thought, he apprehended, that they were only going to empower ministers to draw from the Exchequer sums of money which had already been appropriated by parliament. The power which they were authorizing was very different: it was no less than giving to the gentlemen opposite the entire disposal of the vote of credit, to the amount of three millions of money. This money had been voted for no one particular service; it was given in confidence to his Majesty. If the Committee had equal confidence in the right hon. gentlemen opposite; why, well and good: so be it. In the state in which the House now was, a necessity had indeed arisen—the die was cast, there was no alternative. Those three millions might now be whole, untouched, unapplied —or they might possibly be half-spent: they were voted for no specific service, and might be applied to any, at the will of his Majesty. There were other topics to which he might advert: he might advert, for instance, to the army extraordinaries; but it was not his intention to detain the House: he had merely risen to state that one fact; and to remind them of that which they might possibly overlook, namely, that they were giving to the ministers unlimited controul over three millions of money.

Mr. *C. W. Wynn* defended the part which had been taken by his noble relation lord Grenville, and maintained that the right hon. gent. should, when he asked for the adjournment, have stated to parliament the dilemma in which the government was placed. Had the right hon. gent. so done? On the contrary, he had declared that no inconvenience would arise; and what was the result? Why it was manifest that nothing but a choice of evils remained. Nothing should have induced the step which the right hon. gent. had taken, but the necessity being immediate and absolute. He felt a difficulty in putting into the hands of the Lords of the Treasury so absolute and uncontrouled a power as the Resolution would give, and should therefore, upon bringing up the Report, move an Amendment, to limit the issues to naval and military service.

Mr. *Rose*, in explanation, contended, that the words of the Loan Act were fully sufficient to authorise and justify the drawing the money from the Exchequer by virtue of a Treasury warrant.

Mr. *Whitbread* could not, consistently with his sense of duty, concur in the Resolution proposed by the right hon. gentleman. The words of the acts which had been so confidently quoted, he contended, did not warrant the construction which had been put upon them, still less the course which had been attempted to be pursued by ministers in order to obtain money from the Exchequer. If the Treasury Warrants were a sufficient authority, or if the right hon. gent. even thought so, why had he not in the first instance resorted to them? Why had he endeavoured to cast all the responsibility on the officers of the Exchequer? The right hon. gentleman had admitted, that at first it was in contemplation to procure the authority of the Great Seal, but that the noble Keeper of it would not grant. The affixing it without the direct sanction of the crown, he knew was illegal, and he did not think proper therefore, to commit himself. The right hon. gent. disappointed in this quarter, turned himself to the Keeper of the Privy-Seal. The same reluctance, which prevented the Lord Chancellor from granting the Great Seal, was not felt by the Lord Privy Seal. That noble lord was ready to sanction the proceeding, but unfortunately for the right hon. gentleman's object, the sanction of the Lord Privy Seal alone was not sufficient to pass the Privy Seal. The Clerk of the Privy Seal executing the duties of his office under the obligation of an oath could not with a safe conscience pass the Seal. Mr. Larpent refused to sanction the proceeding with his signature, and here the right hon. gentleman came to a dead stop at once. Then it was, and not till then, that the right hon. gentleman bethought him of the efficacy of the Treasury Warrants. There too he was disappointed in his hopes, as he was wrong in his law. The Auditor of the Exchequer would not obey those orders, and his refusal has since been justified by the authority of the law officers of the crown. He did not mean to impute the least blame to lord Grenville; but he must say, that his opinions in 1788, and which it seemed he still upheld, had led to this palpable, incurable, irremediable absurdity. His lordship would not issue the money on a Treasury warrant, but he would issue it on the order of the two Houses. Now he (Mr. Whitbread) denied that any such power existed in the two Houses. It was a case of conscience with him, and he would not give it up. Suppose lord Grenville, had said nothing about the two Houses: suppose he had said that he would issue for no other authority but the Sign Manual; how would the case have been? The responsibility of ministers was very different from that of lord Grenville. If lord Grenville had issued the money on an insufficient order he would have become a public defaulter to that amount, and his estates would have become liable. In consequence of his opinion of their authority, lord Grenville had thus sent the lords of the Treasury to the two Houses, for an order, acting under which, he imagined he became irresponsible. In this opinion he could not agree. Suppose the two Houses agreed in the resolution, and that some of the inferior officers denied the right, and refused to obey it; how would the matter stand? The House could not turn them out; and thus the whole of the emergencies of the nation must remain unsupplied. To such a state were they reduced by the course proposed by the right hon. gent. and his friends. How could he remedy it? Why, at once by adverting to the mode proposed, of addressing the Prince to assume the Regency, and thus with the utmost celerity supplying the executive. If this was not done, ministers, after declaring that during the exigency the two Houses must have royal power, might then prolong that exigency as long as they chose.

Mr. *Horner* did not wish to say much at that late hour. It was his opinion, that whatever might be the circumstances that led to the present difficulty, it was necessary the money should be had, that the public service might sustain no injury, and the speediest way would certainly be the best. In order to satisfy the House, however, that this Resolution was expedient, the right hon. gentleman ought to have shewn the necessity of the case. If all the other executive officers had declined committing themselves on this subject, it was necessary for the public service that the House should interfere. He did not see however, why the great Executive Officers should not act in this case, as authorised by the act of king William; and much less did he see any reason why the Lord Chancellor should not have used the Great Seal on this occasion. Before the House, therefore, should take any step in this busines, it had a right to require why the Lord Chancellor had not acted upon his own responsibility. It was much more natural that the Lord Chancellor should take upon himself the responsibility than lord Grenville, who was in this case, properly speaking, merely an instrument. He wished also to have stated what objection the Privy Seal could have to the issuing of the order. He could see that Mr. Larpent was justified in his refusal to make out the order, but he did not see that the same reason should be urged by the Lord Privy Seal.

The *Chancellor of the Exchequer* rose to reply to the questions which had been asked by the hon. and learned gent. respecting the Privy and Great Seals. As to the Great Seal, the right hon. gent. observed, that the Lord Chancellor did not refuse the Great Seal on account of any responsibility which might have attached to himself, but for this reason, that the application of the Great Seal was not legal for the purposes for which this money was to be applied, and the act of king William did not give authority for such application. On reading that act the Lord Chancellor wished to be informed what precedents were in existence with respect to the issuing of public monies under the Great Seal. If there were no precedents, then he was of opinion that a warrant issued under such circumstances would be an illegal order on the Exchequer. That opinion might or might not be erroneous, but it certainly was a sufficient reason for the non-interference of the Lord Chancellor. With respect to the Lord Privy Seal, the noble lord at the head of that department was ready to have issued a seal, but he saw no means of putting what was called "the Examinator" at the bottom of the instrument; and by the act of parliament the duty of the Clerk of the Privy Seal was that he must prepare the letters patent. The difficulty, therefore, was to provide that authority which should be received at the Exchequer as legal, and which the proper officer for issuing the monies dared not disobey. Neither of these would have commanded his obedience. The right hon. gent. trusted that the hon. and learned gent. who put the question would see that the proceeding rested on the fairest grounds, that the Resolution must necessarily pass, and, therefore, that he, for one, would not withhold his vote.—The hon. gent. opposite (Mr. Whitbread), indeed had raised another question; but the precise difficulty which suggested it would not, he trusted, arise in the breast of any officer. The difficulty was this, that the authority of a Resolution of this House even, might not be sufficient to command the obedience of the subordinate officers in the Exchequer. That such a practical difficulty should or could possibly arise, for his own part he could not conceive; because if such a thing could happen, the situation of the country would be most alarming and perilous. In case of such a refusal on the part of these officers to obey the Resolution of parliament, there would be no salvation for the country in the situation in which the government now stood, but on the principles contained in lord Grenville's letter, viz. that whatever is necessary must be done, and that necessity created the authority.—If gentlemen would but look at the absurdness of their objections, and of the means by which they would supply the exigency of the case, they would see they created difficulties, for they say, "All that you and the rest of his Majesty's ministers have to do, is to address the Prince of Wales, get a Regent, and then the impediment is removed." What a notion must the gentlemen have of the consciences of the Exchequer officers, to suppose that the Address would help them out of their dilemma. The Address would suit the purpose of the hon. gentlemen undoubtedly, but the necessity would be left just the same, and the House must be the only proper judges of what would best meet that necessity. There was no man, he was sure, would deny this proposition, that if the authority of the two Houses of Parliament was not sufficient to command obedience, then it was impossible to stir in the present difficulty—the wheels of government were in that case in a dead lock. —It was perfectly clear that there was no act done under an Address, which could, constitutionally speaking, be so binding on their officers as that directed by the two Houses. If it was to be admitted that the clerk of the pells, or any other inferior officer, should demur to the authority, see to what a dilemma the country would be reduced. No money could be got out of their hands. He did not suppose that it would be argued that the two Houses of Parliament had not the power of taking the seal out of the Chancellor's hands; how then could it be contended that the Regent alone might take it upon an Address. Why, the very admission that an Address gave him the authority, implied that the power lay in the parliament. Gentlemen might deny the proposition, but he defied them to prove the contrary.—The right hon. gent. then proceeded to animadvert upon the observations which had been made relative to the delays which had occurred in bringing forward the Resolutions on the subject of his Majesty's incapacity. These delays, however, he might fairly state to be the acts of that House, unless it was intended to be maintained or could be proved that he had falsely procured the first adjournment. If that could be established against him, he was ready to admit that he was criminally responsible, but with respect to the delay of the first fortnight, there could be no charge. As to the second delay, he should most distinctly say, that the statement which he had made to the House to procure that delay fell short of the authority which he had, and still has in possession from the physicians for it. He had stated much below, and not gone beyond the informations, which he received from them. As to the third Adjournment, an examination took place before the privy council, and it would not be said that any false information was derived from thence. But, then, gentlemen had made some observations upon what had fallen from him in respect to his statement, of no public inconvenience having arisen; and now say they, "You shew that it has arisen, by calling on parliament to provide for that inconvenience." Now (said the right hon. gent.) we have this monstrous, abominable, aggravated, and marked case before us—there it is in a most dreadful and hideous shape! What is it? If gentlemen would not give the King the chance of recovery, why then they were right to consider the delays as an inconvenience. But what was the great public inconvenience incurred by the delay? Why, this, that ministers had found it necessary to come to parliament for an authority for the issue of monies for services which they had directed should be done.

Mr. *W. Smith* combated the argument that if the House had no power to assume the legislative, or regal prerogative, it had no power to select or nominate a magistrate. The two cases, however, in his opinion, were extremely different. Responsibility was the great object in the executive, and when the House selected a magistrate, this responsibility was preserved through the medium of his council, but if the House itself assumed the executive, there could be no responsibility, as no person could be responsible that acted under the authority of parliament.

The *Chancellor of the Exchequer* in explanation stated, that he did not say there was no difference between their doing the acts of royalty themselves, and appointing a Regent in whom that power should reside, but that if they had not a right to do the one, in case of emergency, they would not have a right to do the other. The present application he had avoided till he found it absolutely necessary.

Mr. *Wilberforce* observed, that no advantage should be taken of the present difficulty against ministers, as their opponents had never stated that the mode of proceeding that had been adopted would expose the House to the necessity of interfering in acts belonging to the executive. The hon. member farther observed, that his right hon. friend had not wished to trouble the House, and was willing, had it been in his power, to transact the whole business on his responsibility. He had come to parliament, but not till he had found it necessary. The public service required their interference. He therefore saw no objection that could be made to the resolution, which should have his support accordingly.

Sir *John Newport* approved of the conduct of lord Grenville, who had not only acted from his own judgment, but also upon the authority of the Attorney and Solicitor Generals. The responsibility was his own, and if he had acted wrong, he was liable to be called to account. He saw no right the Houses of Parliament had to interfere, as by doing so they would only be giving ministers a power to prolong the present blank in the executive.

The question being then called for, the resolution was again read, as well as several amendments proposed by Mr. Wynne. The first was, that the sum of three millions be omitted, and that there be inserted instead of it, 500,000*l.* for the army, and 500,000*l.* for the navy. The second was, that these words be omitted, "as the exigencies of the respective services may require." The whole of the Amendments went to limit the sums to be drawn by the Treasury, and to ensure their application. The Amendments having been negatived without a division, the question was then carried also without a division, and the Report was brought up and ordered to be communicated to the Lords.

HOUSE OF LORDS.

Saturday, January 5.

[MINUTES.] Mr. Long and several other members of the House of Commons, brought up a Message desiring a Conference, which was agreed to, and the Lord President, the earl of Liverpool, the bishop of Killala, lord Napier, lords Eliot and Mulgrave, were appointed managers, who went forth to the Painted Chamber. On their return earl Camden reported the communication of the Resolution agreed to by the Commons last night, relative to the issue of money from the Exchequer. A Message was sent to the Commons, desiring a Conference on the subject matter of the Conference on Thursday, which being agreed to, the same Lords were appointed managers, and the Serjeant at Arms, having announced that the Commons were waiting the Conference in the Painted Chamber, the managers went forth. On their return soon afterwards, earl Camden reported the communication to the Commons of the determination of the House last night on the Resolutions relative to the Regency.

[PROXIES.] The *Lord Chancellor* gave notice that he should on some day not very distant, call the attention of their lordships to the situation in which the House at present stood as to Proxies, and should submit to them a motion on that subject. He should, on an early day in the ensuing week, fix the day for his motion, and should at the same time, describe more fully the object of it.

Lord *Mulgrave* expressed his satisfaction at understanding that this subject was to receive the attention of the noble and learned Lord. The House was at present situated in a very unpleasant predicament, and one in which he thought it unbecoming of that House to remain. It had always been the peculiar characteristic of that House, and its distinguishing privilege, that, as they were not a representative body, but sat in their own right, so, proxies with them were to be admitted on every occasion. He hoped the noble and learned Lord's motion would come on before any other important business.

The Earl of *Moira* deprecated the idea of discussing this subject after what had passed last night. He presumed to think, that while such important discussions as those which had lately occupied that House were going on, the allowing the votes of those Lords who had attended to and maturely weighed the proceedings, to be overturned by proxies coming from absent Lords, was not only improper in itself, but unbecoming the character of the House, whose deliberations ought to be characterised, in so important a crisis, by every possible degree of decorum.

The Marquis *of Lansdowne* did not object to a discussion of the question, though he thought the attempt of last night unjustifiable, in as far as it was attempted to take the House by surprise.

The DUKE OF CUMBERLAND, though he opposed the admission of proxies last night, still approved of the discussion of the question of the right of their being received.

The DUKE OF KENT thought the discussion of the question improper at a moment like the present, when the proceedings of the House ought to be marked by every possible degree of decorum, and by a consciousness of the importance of their deliberations.

The DUKE OF CLARENCE justified the vote he gave last night, against the admission of proxies, on the ground that under circumstances similar to the present and with such important questions under discussion, it was not consistent with the spirit of the Constitution, that peers should be allowed to vote who were not present.

Earl *Spencer* also adopted the same line of argument, and contended that the House was to be considered as virtually in committee, and therefore that the peers had no right to vote by proxy.

Lord Redesdale, and the earl of Liverpool, on the other side, contended that to vote by proxy was a right inherent in peers, of which they could not be divested by the circumstances of the present conjuncture.—The Lord Chancellor on being requested to name a day for his motion, gave notice for Friday, and added that he would state his intended motion on Thursday.

[ISSUES OF PUBLIC MONEY FOR THE SERVICE OF THE ARMY AND NAVY.] The Resolution of the Commons respecting the Issues of money from the Exchequer, being read by the clerk, the Earl of Liverpool moved, That their Lordships do now take this Resolution into consideration. Earl Spencer suggested, that the House ought to go into Committee on the Resolution. The Earl of Liverpool had no objection, and moved to that effect. Lord Grenville observed, that the necessary documents had not been laid upon the table. The Earl of Liverpool laid some Papers relating to the subject on the table.

The Marquis of *Lansdowne* contended, that some necessity ought to be stated before the House proceeded to the discussion of a measure so novel and extraordinary as the present.

The Earl of *Liverpool* said, he had no objection to state that the Issue of the Money in question was necessary for the public service.

The House then resolved itself into a Committee, to which all the Papers were referred, and the Resolution from the Commons was again read.

The Earl of *Liverpool*, on entering into the discussion of the subject, was desirous of removing an impression that had got abroad, that the object of this measure was to vote money out of the pockets of the people; its object being merely to authorise the issue of money from the Exchequer for the public service, which had been already voted and appropriated by Parliament. This question was brought before the two Houses in consequence of the necessity of the case, the money being urgently wanted for the public service. Circumstances had arisen which rendered absolutely necessary the bringing the present subject before parliament. He was of opinion, that during the incapacity of the Sovereign, the authority of the Crown was necessarily vested in the two Houses of Parliament, with whom it rested to supply the defect in the personal exercise of the Royal Authority as circumstances might require. This right however, he conceived did not extend, neither would it be fitting or convenient that it should, to the details of the executive government. Those details must rest with the confidential servants of the Crown, who were responsible for the measures which it might be necessary for them to adopt for the safety or well being of the country. In the present instance, it having become necessary to issue money from the Exchequer, for the payment of the army, navy, and ordnance, the Commissioners of the Treasury issued their warrant for the purpose, it being conceived, that under the Act of William 3, their warrant would be a sufficient authority. But the law officers of the Crown having given an opinion to the contrary as to the legality of such warrants, his Majesty's ministers bowed to that opinion. He however, still entertained an opinion, although it might be that of a person ignorant of the subject, that under the words of the act the warrant would have been in itself a sufficient authority; but he admitted that the uniform usage of the Exchequer had been to the contrary. It was then proposed to use the Privy Seal to sanction the warrant, which would have been a direct and sufficient authority to all the subordinate officers. He did not mean to find fault with those scruples of the individual, by which the use of the Privy Seal, in the manner proposed, had been prevented. In the conduct of ministers upon this occasion however, he should contend, that there had been nothing but what the necessity of the case required. There was no secret, no mystery—no underhand proceeding in the transaction: it was perfectly well-known that the money was wanted, and must be issued under the pressing exigency of providing for the public service. But this was not a proceeding unprecedented—in the years 1788 and 1789, the ministers at that time were equally compelled to act upon their own responsibility, under the circumstances of a melancholy incapacity of the Sovereign, similar to the present. They, under those circumstances, took upon themselves the responsibility of an act of state, as great as that of entering into a treaty. It was necessary, in order that the spring assizes might be held in 1789 for the trial of offenders, that a commission should issue from the Crown. It was impossible to obtain the Sign Manual, and it was determined to put the Great Seal to the commission, which Lord Thurlow, the then Chancellor, did, and the Judges accordingly went the circuits under that Commission. He mentioned this, to shew that the same opinion was then held with respect to the duty of the confidential servants of the Crown, to carry on the detailed duties of the executive government under the circumstances of the melancholy incapacity of the Sovereign, so far as the necessity of the case required. He at the same time held it to be their duty, to do only those acts which were necessary to the well-being of the country. In the present case, it was an act of necessity, that this money, which had been already voted and appropriated by parliament, should issue from the Exchequer to supply the exigencies of the public service, and he trusted, therefore that there would be no objection on the part of their lordships to give to the measure the weight of their authority by sanctioning the Resolution. As to any charge of delay, Parliament had sanctioned whatever delay had occurred, upon grounds and for reasons which to them were satisfactory. His lordship concluded, by moving to agree to the Resolution, and to insert therein the words, "The Lords spiritual and temporal."

Lord *Grenville* then rose and said: My Lords, nothing that has fallen from the noble Secretary of State tends in the smallest degree, to alter the opinion which I formed at the outset of this business. I still think that his Majesty's ministers have acted in a manner as completely injurious to the real interests of the country and as directly subversive of the principles of the constitution, as they could possibly have done, if they had really sought out the most effectual mode of doing wrong. As, however, the issue of the money in question has already been delayed as long as the convenience of the public will admit, I am unwilling to throw further impediments in the way of the public service: but at the same time I cannot avoid entering my solemn protest against the particular course of proceeding resorted to on this occasion. I trust, that another opportunity will be afforded to your lordships, to enter more fully into the discussion of this important subject, than can possibly be done in so thin a House. I hope too, that when the question shall hereafter be brought under your lordships' consideration, it will be treated with all that solemnity and deliberation which so peculiarly and so essentially belong to a question of such material interest and importance. I shall content myself, therefore, on the present occasion, with entering my solemn protest against the whole proceeding, and, true to the principle of avoiding any opposition, which might have the effect of retarding an issue necessary for the public service, shall abstain from making any observations in the slightest degree calculated to impede that essential object. But I beg to assure your lordships, that in pursuing this line on this occasion, I do so under a confident expectation that I shall soon have another opportunity of combating with less inconvenience to the public service, and of refuting with more satisfaction to myself doctrines of such a dangerous and unconstitutional a tendency, as those attempted in the present proceeding to be established by his Majesty's ministers.

The noble Secretary, my Lords, has upon this, as upon former occasions, entered into a detailed defence of the various delays which have already taken place in consequence of the successive adjournments of parliament on the suggestions of his Majesty's ministers. The noble earl, however, has in this instance, as in every former case, totally failed giving any satisfactory reason for the adoption of such extraordinary and irregular proceedings. Every principle of that noble lord and of his colleagues' conduct has been closely and essentially connected with the object of delay; and I trust, that I shall be able to shew to your lordships, that, so far from its being true that parliament had adopted these adjournments upon full and correct information of the real state of public affairs, these adjournments were acceded to only because parliament was completely deceived as to the extent or existence of these public inconveniencies which had arisen, or were likely to arise.

I shall now, my Lords, proceed to the matter of discussion more immediately under your lordships' consideration this day, and I may premise that I have to do the noble Secretary of State the justice to say, that by nothing that has been advanced by him during the course of the discussions which have taken place, have I been imposed upon. If I have been at all imposed upon, it is by having put upon me the necessity of vindicating myself with respect to my own conduct so far as it has been on this occasion as connected with the proceedings of this House, alluded to. The noble earl has distinctly admitted this night, that what I conceived to be contrary to law, is even in his own opinion contrary to law. But I understand the noble earl to say that whatever doubts he had at first entertained on this subject, these doubts are now overruled by the great legal authorities to which he has adverted. So far I agree with the noble earl upon this point; but at the same time beg to assure him, that, whatever might be my opinion upon the points of law, (not being wholly unused to them,) if I did not even conceive those authorities legal, I should certainly have complied with the advice given by them. Although I might have retained my own opinion, yet I should have considered myself bound to be guided by the opinions of the Attorney and Solicitor General. It is completely agreed that that, which I conceived to be illegal, was confirmed as illegal by that very authority to which I was to refer, and by which it was fit I should be bound. The noble Secretary has relied much upon the general words of the act of appropriation, and has founded his argument upon them. I do firmly believe that I shall prove to every lawyer that the practice of the Exchequer cannot be varied in its proceedings by any forced restriction of the words of that act of parliament. It is laid down by the highest authority, that it is necessary that that should be done by a clear and distinct enactment—and that the words of the act were not introduced for the purpose the noble earl contends for is plain, because they never have hitherto by such a construction varied the course of practice of the Exchequer. These acts having so passed, during this reign the practice or course of the Exchequer has remained unvaried, and no issue of money has been made but under the King's authority. I conceive that the course is, that the sums for every purpose paid into the Exchequer, with the single exception of the revenue of the consolidated fund, are granted to the King. With respect to the consolidated fund they are employed for the payments specified to be made from that fund; for it is never vested in the King, but remains at the disposition of parliament. It never comes to him except by a new Resolution in a subsequent session of parliament: voting the surplus in his Majesty, for the public service. With that exception then, I say, all the monies granted, are granted to the King. Upon this subject three things are therefore necessary to be observed; the one is an Act of Parliament, giving authority for the appropriation to certain services of the several sums of money; for which that money was granted respectively. Even if the money were granted generally, it would be necessary to state that it was to the King; and if for a special purpose, an Act of Parliament would also be necessary to designate the service for which it was granted. The second thing to be observed is, that the authority of the King in his capacity of King, and not individually his personal act, signifying his pleasure as to what is to be executed, is necessary; for except by the King's own public act, the King's money cannot be issued from his Exchequer. The third thing is the power and duties of the various officers, who after the King's act is performed, are to give effect in this respect to the King's commands. In that stage comes the appropriation act, which directs what the forms of the issues shall be, and contains provisions empowering the Treasury to act according to those forms; but not so as to supercede that indispensible requisite the Sovereign's authority.

I have thus explained this subject shortly, to show how it happens, that the words of an Act of Parliament, which appears at first sight to give the power of issuing money, are nevertheless otherwise construed by the Exchequer, and not only by the Exchequer, but by the law officers of the Crown, so as to give no power whatever except the sanction of the King's name preceded the execution of it. For my present purpose to enter into numerous details would be unnecessary; but I take this opportunity of protesting again most solemnly before your lordships, that, whatever course ministers may think necessary to take upon this occasion as to this particular issue from the Exchequer, I am sure there is no man, who knows me, who can suppose that I should interpose a captious difficulty to any proceeding rendered necessary from the pressure of the moment. I assure your lordships, that no such conception has entered into my mind. If I could have reconciled the proceeding as compatible with those principles which I have long acknowledged in this House, before the necessity was known upon this point, I do assure the noble earl and the House, that no disposition existed in my mind to interpose any captious difficulty. The reason, that I could not reconcile this procedure to my mind is, and in confirmation of it I have now the authority of the law officers of the crown declaring, that the act was illegal, and secondly, that the office, in which, I was called upon to do that act, was not an office of the description which is held by the noble Secretary of State, when he describes himself and his colleagues. My real opinion is, that even in the view taken by the noble earl, the King's officers could not have taken upon them such acts of government as that under discussion. But they are at least political officers and have a responsibility, upon which they are bound to act, and by which they may be justified in doing those acts which in others would be utterly unjustifiable. Upon these grounds I do conceive, that, even, if this defect is this night to be supplied, or if it were before to have been supplied, in any manner it will be, and would have been far more properly supplied, if not by the intervention of parliament, by the act of some responsible officer of government. If there be any thing more clear and determinate than another in my office of Auditor of the Exchequer, it is this, that it is purely ministerial, and of such great and important trust, that upon the due discharge of its duties depends the security and preservation of the public treasure, the just and conscientious payment of the public money.—There is nothing, that I am bound to hold so sacred as this principle, that I am by law and by duty to consider the usual course of the Exchequer as it is established by some acts, and as it may have been varied or confirmed by others. State exigency, or state necessity, may be fit considerations for those, who hold state offices, but for those who hold such offices as I do, to tamper with an Act of Parliament, would be quite inconsistent with our duty to our sovereign and to the public. In the first place, the act required of me was illegal, and secondly, if such act were to be done at all, it ought to have been done by those, who could take upon themselves the political responsibility, and not by those, who hold such official functions as I did.

The noble Secretary has, I think, much confounded the principles laid down upon this subject, if he imagines that it is convenient and expedient, that in such a crisis as the present the two Houses of Parliament should take upon themselves to perform all the functions of the executive government. No man has ever stated, that such a proceeding could be sanctioned by the principles, or the practice of our constitution. It is unfit for the two Houses of Parliament to take upon themselves these functions; and in my opinion it is also illegal for any other persons to do it. I hold this to be the principle of our proceeding, that we have nothing to do with passing any act under the Great Seal, and I wish to follow this principle up in every case. You have, my Lords, no command over the Great Seal, for it is constitutionally an appendage of the executive government. It is not more clearly the peculiar privilege of that government to order a soldier to march or a ship to sail, than it is certain you cannot constitutionally order the Great Seal to be put to such a commission as that now under consideration. It would be above our reach. It is no act of the ministerial but of the executive government. And why is it, that you are about to do it? Not because you mean to say that you are to take upon you every act of the executive government; but because the principle, upon which this proceeding is founded, is the necessity, upon which you act. It is that, which creates your power, and that necessity must of consequence be co-extensive with your proceeding. I say, that if it appear to be necessary to issue this money or to do any other act of the executive government, namely directing the Great Seal to be put to a Commission, for my mind is incapable of imagining a distinction. I cannot conceive upon what principle you can do one act of duty any more than you can do another if rendered equally necessary and equally urgent. Nothing can limit this principle, but the fair application of the principle itself. My view of the effect of the calamity that has befallen his Majesty was this, that we are in a situation, to use the words of Lord Camden, in which all the functions of the executive government are completely suspended:—that no act of that Government can be done, but under the authority of the two Houses of Parliament, acting as the representatives of the estates of the realm;—and that they are to exercise that power of authorizing acts of the executive government in as narrow and limited a degree as it is possible for them to exercise those functions consistently with the safety of the country. The conclusion I draw from this is, that it is, above all, the duty of the two Houses of Parliament to relieve the country from its present difficulties in as short a time as possible, during the crippled state of the executive government. I mean to accede to the resolution now submitted to your lordships, because I feel the inconvenience of delaying the issuing of public money, when it can be put in the power of Parliament to order or direct the issue which is not now in the power of the Crown. I feel the inconvenience that has been created, but I condemn in the highest degree the conduct of those, by whom that necessity has been imposed upon you. I contend, that long before this, if not for the conduct of his Majesty's ministers, there might have been an executive government in the country, established in such a manner, that no objection could have applied nor any difficulty be felt as to the issue of this money. But I think you must agree to this resolution, as far as the case of necessity warrants. If the case goes beyond the necessity, then it is in my judgment liable to every objection, which any one can take against it upon any principle whatever. From the manner, in which the resolution is worded, I think, however, that it does proceed very far beyond the mere object of stating that necessity. All that I shall say further upon this subject, is, that if I give my consent to this resolution, I do it upon the principle of the necessity, and do not accede to it in the smallest degree upon any other principle whatever.

Lord *Redesdale*, after admitting that no blame could be imagined to attach to the noble baron (Grenville), stated, that he did not consider the whole executive functions as completely suspended. Many of them were still carried on upon the authority of the King's political capacity—and it was only necessary to supply the defect in those cases, which required the King's personal interference. This was one of those cases—but he suggested, that in point of form, instead of giving effect to an illegal warrant, it would be better to order the issue to be made through the medium of the privy seal, and he hoped that an amendment to attain that object would be moved.

Lord *Grenville* said that the same objection as to the form of the present resolution, had occurred to him—and that he would himself have moved the amendment suggested by the noble and learned lord, had he not been restrained by the predicament in which he stood, from urging any thing that could by any possibility be construed into a desire to interpose unnecessary difficulties.

The *Lord Chancellor* was as ready to do justice to the motives of the noble baron (Grenville), as his noble and learned friend could be. He admitted, that officers in such situations as that of Auditor of the Exchequer, were to be guided by different principles from those that under special circumstances must regulate the conduct of the great state officers. The question now was, whether they should agree to command the issue of this money, which had been declared to be necessary for the public service? How that necessity had arisen was a distinct question, completely open to discussion on a future occasion, when the whole conduct of ministers should be brought under the review of their lordships. In answer to those, who might ask why he had not made use of the great seal, he had to observe, that it did not appear to him how he could have employed the great seal to draw money from the exchequer, for such services as these. He had thought that the Privy Seal might have been used, and the person holding it, he believed, would not have refused—but the difficulty, of which their lordships were aware, had arisen, and this application for the interference of the two Houses had become absolutely necessary.

Earl *Spencer* preferred the proceeding by a privy seal to that of giving effect to a treasury warrant in the manner proposed, because more similar in principle to a commission for opening the Parliament, and more consistent with the usual forms of the exchequer. But he thought the whole course adopted by ministers completely wrong, and it was no slight proof of the most unconstitutional and illegal nature of their proceedings, that they had been checked by such obstacles as these. It had been said that the noble earl who held the Privy Seal, would not have refused to employ it. He himself had held the Privy Seal, and he referred to the oath of office taken by the Keeper, to see whether there was not some reason to have apprehended a difficulty in that point. The words in the oath, to which he particularly requested the attention of their lordships, were these, "that the person holding the Privy Seal should not use it without the King's special command." He would not take upon himself to determine what construction others might put upon these words, but he thought no power on earth would have induced him to use the Seal without the King's special and direct authority. There was no such clause in the oath taken by the Keeper of the Great Seal, but even in that oath there was one, which might have raised some doubt. After stating that the conduct of his noble friend (Grenville) had been perfectly correct in every particular, he did justice to the candour of the ministers, in admitting that the vote of this night would not in the least screen their conduct from future investigation; but he would have more applauded that candour, if the noble Secretary of State had for the present abstained from that detailed defence of the ministers into which he had entered. The two Houses had voted, that it was their right and duty to supply the defect of the royal authority; but they had not therefore determined that they should take upon themselves to do an executive act; and yet this they were now for the first time called upon to perform, though they had been repeatedly told by the ministers, that no serious inconvenience could arise from the delay in supplying the defect in the royal power! They were now, by the criminal concealment practised by ministers, reduced to a most dangerous dilemma; and the only way to get out of the difficulty was to trace back their steps, and address the Prince of Wales to assume the executive authority, as their ancestors had addressed the prince of Orange in 1688.

The Earl of *Westmoreland,* called on as he had been by the noble earl, could not be silent on this occasion. He should not, however, go over topics, which had already been amply discussed, but should confine himself merely to the consideration of what might have appeared to be his duty as Keeper of the Privy Seal, confided to his care. For one, he should be ready to meet the charge of the noble lord, as to the conduct of ministers in the whole of this transaction; nay, he challenged inquiry, being confident that it would appear that the whole of their proceedings had been not only free from blame, but, what was far more, that they had been meritorious. He was free to declare, that, so far as he was concerned, the necessity of coming before parliament, or of having recourse to the issuing of a warrant by the Lords of the Treasury, could have been averted by the exercise of the Privy Seal, he, as being entrusted with the keeping of that seal, should have been willing to have taken the responsibility of affixing the seal upon himself. Ministers had a duty to perform; they must have performed that duty, or they must have let it alone; if they did perform it, they thereby incurred a great responsibility; but the only question was, were they not bound to incur this responsibility for the good of the country, trusting to the country for an indemnity—or would they not desert their duty, if they were to leave the country to its fate in a time of emergency? He would have thought himself unworthy of the trust reposed in him, could he have hesitated about encountering this responsibility; and it was only from the scruples of another person, whose province it was to prepare the instrument, that he had not, by taking the responsibility on himself, prevented the necessity of the present application to parliament. As to the oath alluded to by the noble earl, he could only say, that the duty of Privy Seal was pointed out by an explanatory act of parliament, referring him to look at the signet, which, if regular, was all that was required, so that the duty of the Privy Seal seemed rather of a ministerial nature.

Lord *Holland* wished that the noble earl, like the noble and learned lord late on the woolsack, had confined himself strictly to the question before the House, leaving the merits or demerits of ministers to be considered on some future occasion. He, however, should follow the example of the noble and learned lord, and should leave the conduct of ministers to be judged of in its proper place. He could not help, however, expressing his surprise at the suggestion of another noble and learned lord, that the House should issue its orders to the Keeper and other officers of the Privy Seal to act in this matter contrary to their oaths of office; he who was so great an enemy to the dispensing with oaths appointed to be taken by persons in other circumstances! That noble and learned lord had also thought that his noble friend (earl Spencer) had seen a complacency in the noble and learned lord's countenance, in consequence of a supposed concurrence in some of the statements of that noble and learned lord. Could the noble and learned lord, or could the House, suppose that he (lord Holland) should feel complacency either in his face or in his heart, at finding not a single argument or statement of his assented to; but when every single part of his statement of the other night was verified and proved—how much reason had he now to exhibit such complacency? For how completely in every part did the proceedings of this night verify his predictions of a former night, if the plan then recommended by him was not adopted? But he could not in his countenance exhibit such complacency, for he was incapable of feeling it in his heart. He felt for the situation in which the country was placed, in consequence of the novel and unconstitutional mode of proceeding which the two Houses had adopted. The dilemma to which the House was now reduced—the emergency, in consequence of which they were now called on to provide the means of authorising the issues of public money for the naval and military services of the country—the necessity, which was now pleaded as an excuse for the two Houses of Parliament assuming to themselves the exercise of the royal functions—he had warned the House that this necessity must sooner or later occur, and must assuredly overtake them before they had supplied the deficiency in the executive power, if they did not adopt the course he had pointed out. That course his noble friend had now conjured them to revert to. He most fervently concurred in that recommendation. By adhering to the plan they had first adopted, they could only run further into error; and necessity would be pleaded upon the back of necessity, till at length the assumption of the power of the King would become with them a thing of course—a matter of every day's practice. The wording of the Resolution he conceived to be extremely objectionable. The term "command" was one which had never been used, even by the Long Parliament, till the very moment when they were about to deprive the King entirely of his sovereign authority. By addressing the Prince of Wales to take on himself the management of the military and naval affairs of the country, and also to order the issues of the public money for the service of the state, even till their bill should pass, if the Houses of Parliament were resolved to proceed in that manner, all such difficulties as the present would be guarded against, and he conjured the House to adopt this mode of proceeding.

The Earl of *Rosslyn* begged to draw the attention of their lordships only to one circumstance which had not yet been remarked on, namely, that they were called on by the present Resolution to go infinitely beyond the object avowed by the noble Secretary; for, instead of the Resolution being confined to the sums in the Appropriation Act alone, it comprehended the three millions granted by the vote of credit also. Were their lordships, then, without even any alledged necessity, to put this sum at the disposal of ministers, thereby superseding to that extent the authority of the sovereign, in the event of recovery, over a sum confided by parliament to his royal discretion?

The Earl of *Liverpool* explained, that the disposal of any part of this sum was, by the Resolution, confined to the services of the navy, army, and ordnance, to deficiencies arising in which services it was customary at this season of the year to apply any part of the vote of credit which remained undisposed of.

The Marquis of *Lansdowne* referred to the sentiment which had been so often stated in the course of these discussions, namely, that whatever was created by necessity, necessity must limit. Now, if this maxim were to be applied to the present case, it would not follow that because a certain sum of money might be immediately necessary for military or naval services, that therefore ministers should have a general authority to call for what sums they pleased, even out of the vote of credit for that purpose. The vote of credit was generally supposed to be given to provide for unforeseen events, and not for the regular expenditure of the army and navy. It was supposed, that this sum enabled his Majesty to give what subsidies circumstances might require to foreign states; and the surplus, to be sure, was to be carried to the general expences of the year. However irregular this application might be, yet rather than stop the issue of money actually necessary for the army or navy, he would vote for it; but he did not conceive himself called upon to vote for more than the actual necessity required. Without, however, wishing to protract the discussion, he would move an amendment (principally with the view of its being put upon the journals) which would bring the vote up to the necessity which had been stated to exist. His amendment was, "that the Lords of the Treasury should be empowered to issue their warrants for the sum of one million, one half of which to be applied to the service of the army, and the other half to that of the navy."

The Earl of *Lauderdale* could not conceive that the authority for making the issues for the naval and military services should be limited to the period when the deficiency in the royal authority should be supplied, alone, but should contemplate the recovery of his Majesty also. He should therefore move an Amendment to that effect.

Lord *Holland* said, he should also on the Report move an Amendment, that the word "command" in the Resolution be changed into the word "order," it being his wish that this Amendment should appear on the Journals.

The Resolution was then put and agreed to. On bringing up the Report, the Amendments of the marquis of Lansdowne, and of lords Holland and Lauderdale, were severally put and negatived without a division. The Report was agreed to without any Amendment, and a Message was ordered to be sent to the Commons, requesting a Conference on the subject of the said Resolution.

[PROTEST AGAINST THE RESOLUTION RESPECTING THE ISSUE OF MONEY FOR THE SERVICE OF THE ARMY AND NAVY.] The following Protest was entered on the Journals:

"Dissentient'

"1. Because the principle on which the Resolution is founded, would justify the assumption of all the executive powers of the crown by the two Houses of Parliament, during any suspension of the personal exercise of the royal authority.

"2. Because this unprecedented and unconstitutional measure might have been avoided without injury to the public service, by resorting (as was suggested in debate) to the mode of proceeding sanctioned by our ancestors in 1688, namely, an address to his royal highness the prince of Wales, to take upon him the civil and military administration of affairs, and the disposal of the public revenue, until the means of supplying the defect in the exercise of the royal authority should be finally adjusted.

CAMBRIDGE
YORK
KENT
CLARENCE
SUSSEX
GLOUCESTER
CHOLMONDELEY
SPENCER
ROSSLYN
PONSONBY
SEAFORTH
HOLLAND
LAUDERDALE
KEITH
ALBEMARLE
ERSKINE
DUNDAS
DARLINGTON
DAWNAY
HASTINGS
SAY and SELE."

His royal highness the duke of Cumberland intended to have signed the Protests, but came a minute or two too late.

[PROTEST AGAINST THE RESTRICTIONS UPON THE REGENT.] The following Protest was also entered upon the Journals, against the motion made yesterday, by the earl of Liverpool, to insert in the first Resolution respecting the Regency, the words, "subject to such Restrictions and "Limitations as may be hereafter pro"vided."

"Because we think ourselves called upon to protest in the most solemn manner against the principle of suspending, during his Majesty's indisposition, any of those lawful prerogatives of the crown which the constitution vests in the King, not for his personal benefit, but as a trust on behalf of the people,—and to declare, that in our opinion, if such prerogatives are necessary, and advantageous to the people under the permanent government of a King, they are equally beneficial and more necessary under the temporary and precarious authority of a Regent, especially in a period of extensive warfare and great national embarrassment.

CLARENCE
LAUDERDALE
HOLLAND
ALBEMARLE
ERSKINE
ROSSLYN
SPENCER."

HOUSE OF LORDS.

Monday, January 7.

[MINUTES.] On the motion of the earl of Liverpool, a Message was sent to the Commons, desiring a Conference in the Painted Chamber, on the subject matter of the Conference on Saturday. On the return of the two masters in Chancery sent with the Message, Mr. Cox reported that the Commons agreed to a Conference. Shortly afterwards Mr. Quarme, the deputy usher of the Black Rod, announced at the Bar that the Commons were waiting the Conference in the Painted Chamber, and the following Lords, appointed managers of the Conference, viz. the Lord President (earl Camden), the Lord Privy Seal (earl of Westmoreland), earl Graham (duke of Montrose) earl Bathurst, the earl of Liverpool, the bishop of Killala, lord Napier, and lord Walsingham, went forth. On their return soon afterwards, earl Camden reported that they had communicated to the Commons the agreement of the House to the Resolution relative to the Issue of Public Money, filling up the blank with the words, "the Lords Spiritual and Temporal."

HOUSE OF COMMONS.

Monday, January 7.

[MINUTES.] A Message was received from the Lords, requiring a Conference on the subject matter of the Conference on Saturday last. Mr. Long, Mr. S. Stanhope, &c. were appointed to manage the Conference. On their return, Mr. Long reported that the Lords had agreed to the Resolution communicated on Saturday relative to the Issue of Money from the Exchequer, filling up the blanks with the words "Lords Spiritual and Temporal."—A Petition was presented from the Town and Corporation of Nottingham, praying against Restrictions on the Prince Regent's authority.—On the motion of the Chancellor of the Exchequer, the Resolution as amended by the Lords, relative to the creation of Peerages, leaving out the words "excepting for signal naval and military achievements," was agreed to without any objection.

[ADDRESS TO THE PRINCE OF WALES.] The Chancellor of the Exchequer rose and observed, that as both Houses had at length concurred in the mode of proceeding that was deemed most expedient, the next step which it would be necessary to adopt would be the appointment of Committees by the two Houses, to attend his Royal Highness the Prince of Wales, and acquaint him with the Resolutions agreed to empowering him to assume the government, and expressing their hope, that from his regard to the interests of the country, he would undertake that important trust. He then moved, that a Committee be accordingly appointed.—Also a similar motion was then made, respecting the Address to her Majesty.—Ordered that these Resolutions be communicated to the Lords at a Conference, and their concurrence desired.

HOUSE OF LORDS.

Tuesday, January 8.

[ADDRESSES TO THE PRINCE OF WALES, AND TO THE QUEEN.] Lord Clive and several other members of the House of Commons, brought up a Message, stating, that the Commons had agreed to the Amendment made by the Lords in the second Resolution relative to the Regency.—Also a Message, desiring a Conference on the subject matter of the last of the Conferences on Saturday, which, on the motion of the earl of Liverpool, was agreed to, and appointed to be held in the Painted Chamber, and the Commons informed thereof by the Lord Chancellor.

The following Lords were appointed Managers of the Conference, namely — The Lord President (earl Camden), the Lord Privy Seal (earl of Westmoreland), duke of Montrose, earl Harcourt, the earl Liverpool, the bishop of Killala, marquis Wellesley, lord Napier, and lord Walsingham, who went forth.

On their return earl Camden reported the communication of two Resolutions from the Commons, the one for attending the Prince of Wales, to communicate to his Royal Highness the Resolutions of the Commons, and to request his Royal Highness to take upon him the duties of the Regency during the King's illness, subject to the Restrictions and Limitations to be enacted by an Act of Parliament, and the other for attending the Queen, praying her Majesty to take upon her the care and custody of the King's person, with such part of the Household (as mentioned in the Resolution) to be regulated by an Act of Parliament.

On the motion of the earl of Liverpool, the Resolutions were agreed to, filling up the blanks with the words "The Lords Spiritual and Temporal," and a Message was sent to the Commons, desiring a Conference in the Painted Chamber, on the subject matter of the last Conference.

The two Masters in Chancery, sent with the Message, having returned, Mr. Cox reported that the Commons agreed to the Conference. The same Lords were appointed managers, who went forth. On their return earl Camden reported the communication of the agreement of the Lords to the Resolutions of the Commons.

On the motion of the earl of Liverpool, the Lord President and the Lord Privy Seal were appointed to attend the Prince of Wales, in conformity with the terms of the Resolution, and the earl Harcourt and earl Morton to attend the Queen with the Address, and a Message was sent to the Commons informing them thereof.

[PROXIES.] The Lord Chancellor stated the nature of the four motions which he gave notice he should move on Friday, relative to the subject of Proxies. The substance of them was, to declare the right of Peers to vote by Proxy upon all questions, except where precluded by a Standing Order, or by a decision of the House, taken before such question should be put.—That upon any motion being made previous to any question being put, that Proxies should not be called, it should be competent for any Lord to move the previous question upon such motion, and that upon taking the decision upon such previous question, it should be competent to call Proxies, and that upon any question being put (there being no standing order or previous decision against calling Proxies), the tellers upon Proxies being called, must take them. His lordship also moved, That the Report of the Committee relative to Proxies, be taken into consideration on Friday, which was ordered, and likewise the circular letter, written by the Lord Chancellor, on the first of November, desiring the attendance of the Lords on the 15th, but it appeared the letter was on the Journals.—Their lordships then adjourned till 10 o'clock on Thursday.

HOUSE OF COMMONS.

Tuesday, January 8.

[ADDRESSES TO THE PRINCE OF WALES, AND TO THE QUEEN.] Lord Clive went up to the House of Lords, to acquaint them, that the Commons had agreed to their Amendment in the second Resolution, and to request a Conference with their lordships. On his return, he reported that their lordships had agreed to hold the Conference immediately in the Painted Chamber.

On the motion of the Chancellor of the Exchequer, the following members were appointed a Committee to manage the Conference, and went forth for that purpose, viz. Lord Clive, the Chancellor of the Exchequer, Mr. Secretary Ryder, the Lord Advocate of Scotland, Mr. Broderick, Mr. Paget, Mr. Lushington, Mr. W. Pole, Gen. Wemyss, and lord Dysart. On their return, lord Clive reported, that they had communicated to their lordships the two Resolutions agreed to by the House of Commons last night, respecting the Addresses to his Royal Highness the Prince of Wales, and to her Majesty the Queen; and had requested the concurrence of their lordships thereto.

A Message was received from the Lords, desiring a present Conference in the Painted Chamber, on the subject matter of the last Conference. It was ordered, that the Conference should be agreed to, and the messengers were called in and acquainted therewith. The members of the last Committee were appointed to manage the present Conference, and went forth accordingly.

On their return lord Clive reported that their lordships had agreed to the two Resolutions which had that evening been presented to them, by filling up the blanks with the words "Lords Spiritual and Temporal, and,—"

A Message from the Lords soon after announced, that their lordships had ordered the Lord President and the Lord Privy Seal to attend his Royal Highness the Prince of Wales with the several Resolutions agreed to by the Lords and Commons, for the purpose of supplying the defect of the personal exercise of the royal authority during his Majesty's illness, on the part of their lordships, and desired that that House would appoint a proportionate number of their members to go with them. Also, that they had ordered earl Harcourt and earl Morton to attend her Majesty with the Resolution and Address agreed to by the Lords and Commons, respecting the care of his Majesty's royal person, and the direction of such part of his Majesty's household as might be requisite for the comfort of his Majesty, and for the maintenance of the royal dignity; and desired that that House would appoint a proportionate number of their members to go with them.

On the motion of the Chancellor of the Exchequer, the four following members were ordered to go with the two noble lords to wait on his Royal Highness the Prince of Wales, viz. The Chancellor of the Exchequer, Mr. Secretary Ryder, Mr. R. Dundas, and the Master of the Rolls. The four following members were ordered to go with the other two noble lords to wait on her Majesty, viz. lord John Thynne, lord Palmerstone, lord Clive, and colonel Desbrow.

Adjourned to Thursday.

HOUSE OF LORDS.

Thursday, January 10.

[MINUTES.] Their lordships assembled at ten o'clock this morning, in pursuance of the adjournment of Tuesday, and soon afterwards the Lord Chancellor took his seat on the woolsack. In the absence of the Deputy Usher of the Black Rod the Serjeant at Arms announced at the Bar a Message from the House of Commons. It was ordered that the Messengers be called in. Lord Lovaine, and several members of the House of Commons, brought up a Message, acquainting their Lordships that the Commons had appointed the Chanceller of the Exchequer, Mr. Secretary Ryder, Mr. Robert Dundas, and the Master of the Rolls, to go with the Lords mentioned in a former Message, to wait upon his Royal Highness the Prince of Wales, with the Resolutions and Address of both Houses, for supplying the defect in the personal exercise of the Royal authority; and also that they had appointed lord J. Thynne, lord viscount Palmerston, lord Clive, and colonel Desbrow, to go with the Lords, to wait upon her Majesty with the Resolution and Address of both Houses, relative to the direction of such part of his Majesty's household as may be requisite for the comfort of his Majesty, and the maintenance of his royal dignity.

HOUSE OF COMMONS.

Thursday, January 10.

[MINUTES.] At ten o'clock the Speaker took the chair. On the motion of the Chancellor of the Exchequer, the Resolutions of Tuesday last were entered as read. And a Message was sent to the Lords, by lord Lovaine, apprising their lordships of those Resolutions.—Adjourned. The House met again at the usual hour.

[NEW WRIT FOR GLOUCESTER.] Mr. *Howard* moved, that the Speaker do issue his writ for a member to serve in parliament for the county of Gloucester, in the room of viscount Dursley, now earl Berkley.

The *Speaker* inquired if the hon. member intended the usual words "now summoned up to the other House of Parliament" to be added to his motion.

Mr. *Howard* thought a writ of summons from the Lords not necessary to justify his motion, as the instant an individual became a peer of the realm, his seat in the House of Commons became vacated of course. That a summons was not necessary, he conceived to be evident, from the circumstance of such writs never being issued on account of Scots peers. The motion, he thought might be opposed, if injurious to the individual whose place it proposed to supply, or if it were attended with public inconvenience. If it could in any way be prejudicial to the interests of lord Dursley, he would not make such a motion, and far from its being inconvenient to the public, he felt it to be directly the contrary. If the writ were not granted, the county of Gloucester might go unrepresented (at the pleasure of an individual), for months, or till the end of the present parliament.

The *Speaker* said the reasons which had influenced him in offering the suggestion he had thrown out, arose from the circumstance of its being the constant practice to add the words he had mentioned to every such motion. In proof of this he cited a variety of instances, and directed the clerk to read certain passages from the Journals relative to the issuing of a writ for Stamford in the room of general Barclay now earl Lindsay.

The *Chancellor of the Exchequer* saw no grounds for departing from what had been their usual course. It appeared from their Journals, that a something had been uniformly desired beyond the mere statement of the death of the peer to whose rank a member was to succeed. If there were any reasons for supposing there was any backwardness in the party to issue out a writ of summons, it might be proper for the House to inquire into the subject, but even then they would pause if a doubt could exist. This, in the present instance, they knew was not the case, and if hereafter it should be decided that the earldom of Berkley did not belong to lord Dursley, in that case the county of Gloucester would be robbed of its representative. The parliament would be opened in a few days, and the question could then be set at rest by the tribunal most competent to judge of its merits. Under these circumstances, he apprehended it would be proper to wait the decision of the other House. He concluded by moving the previous question.

Mr. *Whitbread* said, the question was, whether the county of Gloucester should have a representative in parliament, or go unrepresented for a length of time? The name of lord Dursley, when the House was called over, had been very properly passed by, which was an acknowledgment of his being no longer a member; and in no case could lord Dursley be at present the representative of Gloucester, sitting there as the eldest son of lord Berkley. If he were not such, he was disqualified from sitting there; and if he were, he could no longer be a member of that House, being now earl Berkley. It was highly inexpedient that Gloucester, in the present state of things, should remain unrepresented. They always held it to be their first duty to fill up the vacancies in their own body, and on those grounds he should support the motion.

Mr. *C. W. Wynn* was of opinion, that if a new member should be elected, if it were proved that lord Dursley's seat was not vacant, such election must be void, and it would be for the House to deprive him of his seat. It might be necessary for them to enter into a discussion of the merits of the case if there was any thing like a combination to prevent the issuing of a new writ. But what was the case at present? It had been thought inexpedient last year to enter into the question of lord Dursley's claims, and it was certainly not less so now. No delay whatever appeared to have taken place. If they went into the subject, a Committee of Privileges must be appointed to ascertain whether or not he had the right. Under the present circumstances his place ought not to be declared vacant. He thought the motion premature, and should therefore vote for the previous question.

Mr. *Abercromby* thought if there was a doubt on the decision of the House, it ought to be in favour of the people of Gloucester. The question ought to be considered as it affected them, and not as it affected lord Dursley. He hoped they would consider what would be the effect of their decision, and thought they would not do their duty if they did not agree to the issuing of a new writ.

Mr. *Horner* supported the motion, first on the ground that a peerage rendered an individual incapable of sitting in that House; secondly, on the ground that lord Dursley was to be considered as a Peer, till it had been decided that the contrary was the fact; and thirdly, on that of his having been already recognised as the eldest son of the Earl of Berkley.

Mr. *Long* spoke in favour of the previous question. The course pointed out by the Speaker, had not only been invariably pursued, but that practice had been recognised by an Act of Parliament passed in 1784.

Sir *S. Romilly* contended that in no instance could lord Dursley be regarded as the representative of the county of Gloucester. It was a mere question as to form; and though forms ought to be properly attended to, he thought Gloucester ought not to be deprived of its share in the representation, for form's sake.

The House then divided, when the numbers were—

For the previous question..........	24
Against it............................	30

The original motion was of course carried, and the House adjourned.

HOUSE OF LORDS.

Friday, January 11.

The Duke of Norfolk presented a Petition from the Lord Mayor, Aldermen, and Common Council of the City of London, praying for an unrestricted Regency in the person of the Prince of Wales, which was read and ordered to lie on the table.

[THE PRINCE OF WALES'S ANSWER TO THE ADDRESS OF BOTH HOUSES.] Earl Camden reported, that the Deputation appointed by both Houses had waited upon his Royal Highness the Prince of Wales, and that his Royal Highness had been pleased to return the following Answer:

"My Lords and Gentlemen;

"I receive the communication which the two Houses have directed you to make to me, of their joint Resolutions, on the subject of providing for 'the exercise of the 'Royal Authority, during his Majesty's 'illness,' with those sentiments of regard which I must ever entertain for the united desires of the two Houses.

"With the same sentiments I receive the expressed 'hopes of the Lords and 'Commons, that from my regard for the 'interest of his Majesty and the nation, I 'should be ready to undertake the weighty 'and important trust proposed to be invested in me,' under the Restrictions and Limitations stated in those Resolutions.

"Conscious that every feeling of my heart would have prompted me, from dutiful affection to my beloved Father and Sovereign, to have shewn all the reverential delicacy towards him inculcated in those Resolutions, I cannot refrain from expressing my regret, that I should not have been allowed the opportunity of manifesting to his afflicted and loyal subjects that such would have been my conduct.

"Deeply impressed, however, with the necessity of tranquillizing the public mind, and determined to submit to every personal sacrifice consistent with the regard I owe to the security of my Father's Crown, and the equal regard I owe to the welfare of his people, I do not hesitate to accept the office and situation proposed to me, restricted as they are, still retaining every opinion expressed by me upon a former and similar distressing occasion.

"In undertaking the trust proposed to me, I am well aware of the difficulties of the situation in which I shall be placed; but I shall rely with confidence upon the Constitutional advice of an enlightened Parliament, and the zealous support of a generous and loyal people. I will use all the means left to me to merit both.

"My Lords and Gentlemen;

"You will communicate this my answer to the two Houses, accompanied by my most fervent wishes and prayers, that the Divine Will may extricate us and the nation from the grievous embarrassments of our present condition, by the speedy restoration of his Majesty's health."

[THE QUEEN'S ANSWER TO THE ADDRESS OF BOTH HOUSES.] The Earl of Harcourt reported that the deputation appointed by both Houses had presented the Address to the Queen, and that her Majesty had been pleased to return the following Answer:

"My Lords and Gentlemen,

"That sense of duty and gratitude to the King, and of obligation to this country, which induced me in the year 1789 readily to promise my most earnest attention to the anxious and momentous trust at that time intended to be reposed in me by parliament, is strengthened, if possible, by the uninterrupted enjoyment of those blessings which I have continued to experience under the protection of his Majesty since that period: and I should be wanting to all my duties if I hesitated to accept the sacred trust which is now offered to me.

"The assistance in point of council and advice, which the wisdom of Parliament proposes to provide for me, will make me undertake the charge with greater hopes that I may be able satisfactorily to fulfil the important duties which it must impose upon me.

"Of the nature and importance of that charge, I cannot but be duly sensible, involving, as it does, every thing which is valuable to myself, as well as the highest interests of a people endeared to me by so many ties and considerations; but by nothing so strongly as by their steady, loyal, affectionate attachment to the best of Kings."

The Resolutions, together with the above Answers, were, on the motion of the earl of Liverpool, ordered to be printed.

[STATE OF THE NATION—COMMISSION FOR OPENING THE PARLIAMENT.] The order of the day having been read, the House resolved itself into a Committee on the State of the Nation.

The Earl of *Liverpool*, on moving the Resolution for putting the Great Seal to a Commission for opening the Parliament, thought it unnecessary to take up their lordships' time by making any observations upon a subject which had already been so fully discussed. The Resolution he was about to move, was similar to that of the 21st of January, 1789. He thought it only necessary to give some explanation as to one point. In 1789, the names of his royal highness the duke of York, and one of his Majesty's brothers, were inserted in the form of the Commission, set out in the Resolution, but those illustrious persons having risen, and desired that their names might be omitted, they were struck out. This was a proceeding which it was desirable to avoid, and therefore he had previously consulted upon the present occasion with the illustrious dukes, now members of the House, who being desirous that their names should not appear in the Commission, they had not been inserted in the Resolution. The Resolution, therefore, was proposed in the form of that which was passed in 1789, and not, as it was then moved. His lordship concluded by moving, "That it is expedient that Letters Patent should issue under the Great Seal of the United kingdom of Great Britain and Ireland, in manner and form following (reciting the usual form of a Commission for opening parliament, omitting the names of the royal dukes, and adding to the words, "By the King himself," by the advice of the Lords Spiritual and Temporal, and Commons of the United Kingdom of Great Britain and Ireland.")

Earl *Grey* rose and said :—

My Lords, in rising to offer myself to your attention, it is not my intention to enter at lengh into a discussion of the question before the House, in the present advanced state of that important business with which it is connected. For however strongly I may feel the danger and the impropriety of the measures already adopted, I am too well apprised of the necessity of coming to a prompt determination, to be willing to interpose any cause of additional delay. My absence during the debates which have taken place already, in which so many of my noble friends on this side of the House opposed the principle of the proceeding proposed by ministers, with a depth of learning, and a splendour of eloquence equally deserving of admiration, makes it now incumbent on me to declare, that in their sentiments I fully and entirely concur. Now that the period is arrived when this House is called upon to join in affixing, by its own authority, the Great Seal to a Commission, for the purpose of procuring the sanction of the royal name, it is impossible for me to neglect this opportunity of entering my formal protest against that proceeding. A proceeding, my Lords, which, in my estimation, formed upon all the inferences that I can draw from the analogies of the constitution, the spirit of our laws, and the practice of our ancestors, is at once unprecedented and unjustifiable. It goes, in my opinion, under the form of law, to violate all law; professing to preserve the constitution, it counteracts its most essential principles; and, pretending a scrupulous regard to the monarchy, it tends to subvert the foundation on which it stands. The arguments so ably and perspicuously urged by my noble friends against this novel and alarming doctrine, have created a limit to this declaration of the sense I entertain, which I find it unnecessary to exceed. I shall therefore confine myself to this simple record of the opinion I hold, that, if in accomplishing the object of supplying the present unhappy defect in the executive government this House consents to put the King's Great Seal to a commission for opening Parliament under the usual forms, it will make a palpable and wanton inroad upon the integrity of the constitution. Even according to the principles of those who advocate this measure, a more desirable course might readily be suggested. The same end might have been long since obtained, the identical act which we are now circuitously endeavouring to perform, might have been, ere now, accomplished in a manner infinitely less objectionable, and upon the principle recommended by the noble Lords opposite themselves. Since they so violently objected to the plan of addressing the Prince of Wales to assume the Regency, surely it would have been a less exceptionable mode than the present to have issued a Commission under the Great Seal for the purpose of nominating and appointing his Royal Highness Regent. Then, my Lords, we might have met at once a true, legitimate, and constitutional Parliament, and the third branch of the Legislature might have been preserved entire. The sanction of the royal assent might then have been obtained without a second gross violation of the constitution, and we should have had to lament but one transgression of its barriers. Having risen, as I before stated, merely to express my disapprobation of the course adopted on this melancholy occasion, by the joint Resolutions of the two Houses, I shall conclude with stating my conviction that it is justified by no constitutional precedent, and that it furnishes an example of the most perilous import on future emergencies. We see among its consequences that persons have placed themselves in the seat of majesty, and exercised all the functions of government, practically superceding the regal authority by the flagrant usurpation.

The House then divided,

Contents	51
Non-Contents	33
Majority	18

The Resolution was then ordered to be communicated to the House of Commons, and the House adjourned to Monday.

HOUSE OF COMMONS.

Friday, January 11.

[MINUTES.] The Sheriffs presented a Petition from the Lord Mayor, Aldermen, and Commons of the City of London, against the measure of a restricted Regency, which was read, and ordered to lie on the table.—The Chancellor of the Exchequer informed the House, that pursuant to its order, the Committee had waited upon his royal highness the Prince of Wales, with an Address, requesting that he would take upon him the office of Regent, according to the Resolutions of both Houses of Parliament; to which his Royal Highness had been pleased to return the following Answer. [See the Proceedings of the Lords.] —Lord Clive stated, that the Committee appointed to wait upon the Queen and present the Address, had done so, and that her Majesty had been pleased to return the following Answer. [See the Proceedings of the Lords.]

[STATE OF THE NATION—COMMISSION FOR OPENING THE PARLIAMENT.] The *Chancellor of the Exchequer,* after the order of the day for going into a Committee on the State of the Nation had been read; expressed his wish to be guided by the course which the gentlemen on the other side intended to pursue, whether to propose that the House should meet to-morrow, or whether they should adjourn till Monday. The next business would be, to agree with the other House in appointing a Commission to open the Parliament. If a Resolution to that effect should this night be adopted by the other House, they might meet to-morrow. But if gentlemen on the other side meant to debate the question at any length, they were all aware how inconvenient it would be to have a long discussion to-morrow; and in that case he would propose to adjourn till Monday.

Mr. *Whitbread,* as no other gentleman had risen, stated for himself, that he did not intend to go into the subject at length. After the discussions which had already taken place, he should, as far as depended on him, think it sufficient to protest against the measure, and declare his dissent by his vote. Being on his legs, he wished to ask, whether, in the Bill which he supposed would be brought into the House, in the early part of next week, the right hon. gent. meant to make any provision for conducting the government in case of the recurrence of a similar calamity, that the country might not be again placed in such a situation as that in which we had been for some time past? The right hon. gent. would probably recollect, that he (Mr. W.) had given notice of introducing a measure of this nature, whether his Majesty recovered or not.

Mr. *Adam* suggested, that it would be totally improper to introduce such a measure in the present mutilated state of Parliament. What might be the intention of the Chancellor of the Exchequer, he knew not, but he had no doubt as to the impropriety of introducing any such provision at present.

Mr. *Whitbread* said, that his hon. and learned friend had misunderstood him. He had merely asked what might be the intention of the Chancellor of the Exchequer, without saying that he would concur with him, if he had proposed to introduce such a provision in his Bill. But it was proper that the House should be fully aware of all that the right hon. gent. meant to bring forward in his expedient.

Mr. *Sheridan* said, in answer to the right hon. the Chancellor of the Exchequer, that he could not answer for the intentions of other members, but he thought it likely that some would wish to enter their protest against the measure. For his part, he should feel himself bound in consistency to repeat the opinions he had formerly maintained, upon what appeared to him the greatest and boldest inroad upon the constitution which it was possible to have been attempted. At the same time he could not say, that the debate would be of such importance as to call for an adjournment to Monday.

The *Chancellor of the Exchequer* observed, that as the right hon. gent. had signified his intention of making a stand against a measure which he described as vitally and fundamentally wrong, there was no knowing to how long a time the debate might be protracted. He would therefore propose, that the order for going into a Committee on the State of the Nation should be postponed to Monday next. Before he sat down, he would answer the question of the hon. gent. opposite. It was never in his contemplation to introduce into the Bill which was to be brought in, for the purpose of meeting a particular necessity, any provision of a more extended nature than the case itself demanded. He agreed with the hon. and learned gent. that there would be an impropriety in bringing forward such a question at a time when parliament was not complete in all its parts. When it was whole and entire, it would then be competent to make such provision as was deemed expedient; but, until that was the case, he should forbear from offering any proposition not strictly within the necessity upon which they were acting.

Mr. *Sheridan* expressed his surprise that the right hon. gent. should postpone the Committee to Monday, upon the ground of his statement, when his statement bore directly the contrary way. He had said distinctly, that, though it was probable many members would enter their protest, yet no debate would take place which could justify an adjournment to Monday. The right hon. gent. had said there was no knowing what debate might ensue, but he (Mr. S.) would take upon him to say, that if it was protracted to any length it must be by the answers of the right hon. gentlemen opposite, not by the protest of those upon his side. Upon the whole, there appeared no pretence of such a postponement.

The *Chancellor of the Exchequer* felt himself not only justified in his motion, but was convinced, that he would have acted with precipitancy if he adopted any other course. The right hon. gent. had represented the intended measure as fundamentally wrong, of course, he could not prescribe the number of those who should succeed him, nor appreciate the force which his own arguments might produce upon the judgment of the House.

The question was then put and carried without a division. Adjourned to Monday.

HOUSE OF LORDS.

Monday, January 14.

[MINUTES.] On the motion of the earl of Liverpool, a Message was sent to the Commons desiring a Conference presently in the Painted Chamber, on the subject matter of the last Conference. The two Masters in Chancery (Mr. Steele and Mr. Thomson) sent with the Message, having returned, Mr. Steele reported that the Commons agreed to a Conference. Mr. Quarme, the Deputy Usher of the Black Rod, shortly afterwards announced at the Bar, that the Commons were ready for the Conference in the Painted Chamber.—The following Lords were appointed Managers of the Conference, namely, the Lord Privy Seal (earl of Westmorland), the earl of Mount Edgecombe, the earl of Liverpool, the earl of Glandore, the bishop of Killala, lord Napier, and lord Walsingham, who went forth. On their return soon afterwards, the earl of Westmorland reported that they had communicated to the Commons the Resolution passed by the Lords on Friday, and had desired their concurrence.

HOUSE OF COMMONS.

Monday, January 14.

[MINUTES.] Mr. Alderman Combe presented the Petition of the Livery of London, praying that the Prince of Wales may be appointed Regent, without Restrictions or Limitations. The Petition was ordered to be laid on the table.—A Message was brought from the Lords, desiring a Conference with this House. The managers of the last Conference were appointed to manage the present one.—On their return, lord Clive read at the bar the Resolution of the House of Lords, entered into on Friday for opening the Parliament, which Resolution the Lords desired this House to concur with.—The Resolution was brought up, and referred to the Committee on the State of the Nation.

[STATE OF THE NATION—RESOLUTION RESPECTING LETTERS PATENT FOR OPENING THE PARLIAMENT.] The Chancellor of the Exchequer moved the order of the day for the House to go into a Committee on the State of the Nation. The House having gone into the Committee, and the Resolution of the House of Lords brought up by lord Clive, having been referred to the said Committee,

The *Chancellor of the Exchequer* rose, and adverting to the Resolution which the chairman was about to read, suggested to the Committee, that there would be no necessity for reading the whole of it, as it had been read at the bar, and was merely a recitation of the Letters Patent for opening the Parliament. The right hon. gentleman then observed, that he should not deem it necessary to preface the motion which he was about to make with many observations, as during the whole course of the proceedings, taken on this occasion, the Committee must be aware it would ultimately lead to the one he would now propose. No doubt every gentleman was of opinion, that after the concurrence which had taken place between the two Houses, and after the communications made to his Royal Highness the Prince of Wales and her Majesty of the Resolutions of the two Houses, that a Resolution would be proposed similar to the one just read at the bar. The course of proceeding adopted in 1789, was exactly in point with that now under consideration; and no part of the precedent was more completely established at that time than this: that under a commission similar in point of form, the parliament was opened, continued to sit, even after the happy period of his Majesty's recovery, and transacted business without any reference to succeeding commissions. He trusted therefore, that in making the motion, the Committee would see the policy of acceding to it. He should simply move, "That the Committee do agree with the Resolution brought up from the Lords, ordering the issuing of Letters Patent for a Commission to open the Parliament."

On the question being put,

Mr. *Sheridan* expressed his astonishment, that on the last day the House met the right hon. gent. should wish for delay, on account of the length to which the debate might be carried, when this day he seemed only anxious to cut it short. The right hon. gent. might have made the proposition on Saturday, if he intended that it should pass *sub silentio* on his part. The course, however, which he had now taken, appeared to him not a little extraordinary, for he did expect, as reference was made to the precedent of 1788, and as many gentlemen now in parliament had not the honour of seats in the House at that time, that he would have condescended to detail the mode of proceeding so as to have given those gentlemen an idea of it. With respect to this part of the precedent of 1788, he could not agree with the right hon. gent. for he thought the Houses of Parliament stood now in a very different situation. At that time the majority in both Houses was so great as to render opposition useless; besides, a right hon. friend of his had withdrawn from illness, and there were other causes operating which did not authorise gentlemen to make the stand which they now found themselves compelled to make. There was one circumstance which had occurred within the last fourteen days, in another place, which bore him out in his assertion. Did gentlemen recollect how very near the two Houses were differing in opinion upon the subject of the Restrictions to be imposed on the Regent; and if a difference of opinion had actually taken place, would it not have extinguished all the functions of the government? This was deserving of serious consideration; for if it had occurred, he could not see how the right hon. gent. could have provided a remedy for the evil. He defied him to have produced any thing upon earth in the shape of a government according to the constitution of the coutnry. It was impossible that the two Houses could legislate unless there existed somewhere a power to dissolve the parliament, and there was no such power in existence on the occasion to which he had alluded. If, then, this disagreement was so near taking place, might he not fairly presume that in future stages of the bill for settling the Regency, such an occurrence might again take place? If so, then it was the duty of the House to provide a mode of proceeding, likely to extricate them from the irksome situation in which they might possibly be placed. It was not to be denied that the House had usurped and exercised the functions of royalty, and it was desirable that they should hasten to that point in which they must resign their usurped power. It was true that ministers had compelled that usurpation; and better it was that it should be in the hands of one of the branches of the legislature than in their hands, because it was more constitutional. He would not differ with the right hon. gent. as to the expediency of that usurpation. But to what did the deficiency in the execution lead? It was true that lord Grenville, in refusing to obey the order of the Treasury, had done no more than what was right. The deficiency gave an opportunity to ministers to exercise the royal functions when they committed that monstrous and unconstitutional act of seizing upon the King's Exchequer, and issuing the monies therein deposited. This was the danger to be apprehended in tolerating such a principle; because ministers might take upon themselves the whole of the Executive government, and completely subvert the third estate of the realm, by totally extinguishing the kingly power. With this view of the case, it became the House to see which was the best mode of proceeding: whether by the circuitous mode now proposed by the right hon. gent. or by an Address to his Royal Highness the Prince of Wales, to open the parliament. In suggesting this Amendment, (which he did not, however, intend to make) he did not mean to propose, that his Royal Highness should open the parliament as Regent, but as Heir Apparent, until the wisdom of parliament should otherwise provide; consequently, that he should not hold the power longer than until the bill for that purpose should pass. The right hon. gent. it seemed, took it for granted, that lord Eldon would put the Great Seal to the commission, and he, (Mr. S.) did not mean to dispute the fact. But was the right hon. gent. sure that the noble and learned lord would not refuse (from motives of conscience he would suppose) to put the seal to a legislative act after the parliament was opened? Was the right hon. gent. aware, that the noble and learned lord might demur? Did he know that an act passed under such circumstances was in the teeth of the law, High Treason against the Constitution! It had been decided, in the reign of Henry the Sixth, and in Charles the Second's time, that the two Houses cannot legislate without the third estate. Did the right hon. gent. suppose that my lord Thurlow could have put the Great Seal to the Bill? He much doubted whether that great man would have complied. The learned law officers of the Crown opposite had not condescended to illuminate the House lately upon the subject with any of their vast stores of rhetoric and legal learning. What was their opinion of the subject? Besides, there were other circumstances which might arise: the Lord Chancellor might die (such a circumstance had occurred in the reign of Henry VI.); what could the right hon. gent. do upon such an occasion? would he forcibly enter the house of the defunct, and seize upon the Great Seal? There were, indeed, many cases which he might suppose to arise, so as to render the difficulties great. It was well known that Mr. Larpent had from conscientious motives refused to accede to the issue of the Privy Seal in a certain case, because it was against his conscience, viz. against the solemn obligations of his oath. Did the right hon. gent. mean to say, that the Lord Chancellor, because he was keeper of the King's conscience, was not to have a conscience of his own? Indeed, when he recollected the many difficulties that might intervene before the final adjustment of the executive government, he could not do other than suggest to the right hon. gent. the necessity of providing for the worst. Gentlemen must recollect, how nearly the nation was suffering lately in consequence of the overthrow, not of the cabinet, but of the noble and learned lord, and of the right hon. gent. in their carriage on Hounslow Heath. To be sure, though the loss of the right hon. gent. and his noble and learned friend would have been severely felt, still what would the Houses have done for the Great Seal? (A laugh). It was impossible to cast one's eyes over the Daily Journals, and not be afflicted with some such melancholy tidings like the one just described. It was but the other day that the noble and learned lord (so said the Papers) was passing in the street, ruminating and thinking upon the dreadful abyss into which he was about to be plunged (by the recurrence of a calamity which the nation had encountered 22 years before), by doing some such another job as his noble predecessor had done, when he was nearly run over by a coal-waggon. Whether the noble and learned lord was pushed down by a phantom of his own creating or not, he could not determine; but the effect of his ruminations might have been detrimental, if Providence had not interfered, to the interests of his country.—He only alluded to these possible cases to shew in what a situation the country was placed, if the plan of the right hon. gent. was the only right and constitutional mode of proceeding which was left to the two Houses to adopt. He submitted these observations to the right hon. gent., in hopes that he might still adopt that mode of proceeding which he had suggested. It was not his intention to divide the House upon the subject, and therefore he should not put the Amendment to which he had alluded into words. He only submitted to the right hon. gent., that it was not too late still to get into the right road.

The *Chancellor of the Exchequer*, in reply to the observations of the right hon. gent., was not prepared to admit, that the course he had adopted this day was extraordinary, in not opening the proposition more in detail. He appealed to the Committee, whether the ground upon which he postponed the proposition, was not to give an opportunity to that right hon. gent. and his colleagues, to make what he was pleased to denominate "a stand" against the proposition. That was the reason of the postponement; as it was understood by gentlemen on the opposite side, that the length to which the discussion on their part would run, might make it inconvenient to meet on Saturday. With this view, then, he must also be allowed to express his astonishment, that the right hon. gent. in making this "stand" and in suggesting the propriety of another course of proceeding, should have concluded his speech, and sat down without making any Amendment. If the right hon. gent. had condescended to inform the House on Friday, that the course he had now taken was the way in which he meant to make "his stand for the constitution," then he should not have put off the business—(A laugh) thinking, from the specimen which the right hon. gent. had just given, that the necessity for delay had not been made apparent. The right hon. gent. had however, made use of arguments which he begged the Committee would attend to. These arguments, uttered with much force and violence, the right hon. gent. had stated, were used for the purpose of promoting union of sentiment in both Houses: but what, in point of fact, was the effect? Why, to induce the Committee to disagree with the House of Lords—(Hear, hear,); for that was the practical effect of the right hon. gentleman's speech. The right hon. gent. had taken great pains to state the possible inconveniences which might arise to the country in consequence of a difference between the two Houses; and at the moment when the two Houses were agreed, he then suggested a course of proceeding which must indubitably produce that difference. The Committee, then, without any proposition from the right hon. gent. were to be fascinated by his arguments into a difference with the other House. In the name of common sense, he must enter his protest against such arguments. "Let us," said the right hon. gentlemen opposite, "differ from the House of Lords as soon as convenient, and that will be sure to produce harmony!" But what was the course of the right hon. gent.'s speech? why, he, in proceeding, feigned to feel how weak and shallow his arguments were, and in conclusion, instead of supporting manfully the constitution, refused, as he had promised on the Friday preceding, to "make his stand."—(A laugh.) That this was the fair interpretation of the right hon. gent.'s arguments could not be denied.—But then, said the right hon. gent. opposite, "the House is in a different situation to what it stood fourteen days ago, and therefore you had better adopt my suggestion, which, however, I will not follow up myself." Why, the very adoption of the suggestion would tend to produce what the right hon. gent. seemed anxious to avoid; namely, difference of opinion and delay! If any of the difficulties which seemed so much to alarm the right hon. gent. were to arise, and the Prince of Wales was called upon to use the Great Seal, how could he get at it by Address, earlier than by the present mode proposed? Perhaps the right hon. gent. would inform him, as he had the means of communication with his royal highness; but the real question was, whether it would be more respectful to the Prince of Wales, to invest his royal highness with the powers of government, by Bill, or by Address? For his part, he did apprehend the more respectful way would be by Bill, especially as the Princes of the Blood had, from motives of delicacy, desired their names not to be included in the Commission for opening the Parliament. Would the Committee think it more decorous that the act should be done by his royal highness alone? With respect to what the right hon. gent. had said about the reluctance of my lord Thurlow to put the Great Seal to an act of the two Houses, it was not, in his opinion, necessary to inquire what that noble and learned lord would have done in 1788; but he believed that it was not likely that the then Lord Chancellor would have let the proceedings have gone so far as to make it necessary, if he had the doubts, to refuse the Great Seal to an act, which, under circumstances like the present, the two Houses of Parliament had judged expedient should be passed into law. The noble and learned lord, he could not believe, would have so conducted himself; it might have happened that if the health of his Majesty should be so far recovered as to induce hopes of a restoration to the functions of government in a moderate time, then he might think it necessary to come to parliament and state his opinion and his reason for demurring to put the Great Seal. But for the right hon. gent. to suppose that any noble and learned lord holding that high official situation, would refuse, was supposing too much. Greatly as he respected the abilities of that great character, he would not even suppose such a case: he would not believe it either of that noble lord or of his noble friend the present Chancellor. The right hon. gent. could not seriously mean to suppose that his noble friend would intend to defeat or defraud the constitution. As to the other fanciful cases of death put by the right hon. gent., he did not feel himself justified in anticipating more difficulties than the Houses really experienced; but if such a serious calamity should occur, he should have no difficulty in proposing the remedy. Without stating that remedy now, it would be enough for him to say, "that sufficient for the day is the evil thereof." (Hear! hear!) The Resolution now proposed to be adopted, he trusted was such as the Committee would not hesitate to sanction.

Mr. *Sheridan*, in explanation, denied

that he ever intended to divide the House. He had on Friday distinctly stated, that he should make his stand, by which he meant that he would enter his protest against the measure. With respect to the force and violence which the right hon. gentleman imputed to him, that force and violence was, in fact, produced by the right hon. gentleman himself; for he would appeal to the Committee, whether his speech was not a mere milk and water speech compared with that which the right hon. gentleman had let forth and exhausted without any provocation. Before he proceeded further, he must pause to notice an observation of the right hon. gentleman's, implying that he, (Mr. S.) was understood to have the means of access and communication with his royal highness the Prince of Wales, accompanied with an insinuation, that his opinions declared in that House were in some measure to be received as having had his Royal Highness's sanction. With respect to access or communication, the right hon. gentleman, perhaps, forgot that he had the honour of being a servant of his Royal Highness's, a higher honour he never wished to aspire to—and that he was also one of his council, and that when he became so, he had taken precisely the same oath as he had taken when he became a privy counsellor to his Majesty. This he applied only to the presumed access and communication, which he hoped would justify both, independently of the protecting friendship with which his Royal Highness had condescended to honour him for so many years, and which formed the first pride of his life. But, with respect to the insinuations that what fell from him in that House, was entitled in any respect to be considered as the sentiments of his Royal Highness, he felt himself bound most seriously and solemnly to deny any such construction. He was confident that his Royal Highness had too just and constitutional notions to dictate opinions to any member of that House: and he should feel himself guilty of the utmost arrogance, if he allowed it for one moment to be thought that he had the presumption to permit it to be considered that any thing he uttered in his place in that House, was meant to be regarded as conveying the sentiments of the illustrious person alluded to. He spoke his sentiments in the House of Commons as a free and individual member of it, and he trusted upon as independent a principle as any other member belonging to it. The right hon. gentleman had argued as if he had committed a gross inconsistency, in first deprecating and expressing a desire to guard against the possibility of coming to an open difference with the House of Lords, and in consequence of this apprehension advising a rejection of a Resolution which had passed that House. He begged leave to remind the right hon. gentleman that he had endeavoured chiefly to impress upon the House, that having come to certain Resolutions, and adopted certain Restrictions on the power which they were about to confer, it had now to determine upon the best mode of rendering those measures most complete and effectual. The learned and right hon. gentleman had told them, that if they pursued the plan which he recommended, the same objection would apply, as the Great Seal would even then be affixed by authority emanating from the two Houses. Surely, however, the right hon. gentleman had forgotten the history of the country, and the numerous instances in which, without the use of the Great Seal, acts of sovereignty had been performed. It had been admitted that an equal validity might be made to attach to a similar exercise of power by his Royal Highness. King William was addressed by the Convention, who after offering him the Declaration of Rights, were dissolved, and a legitimate parliament immediately called. He should feel much regret if it could for a moment be believed that in any thing he had said that night, he had reflected on the noble and learned lord who held the Great Seal. So far from having any such intention, he felt the highest respect for the professional and private character of that noble person, whom he believed to be as competent to his high office as any of his predecessors who had ever sat in the other House. With respect to the right hon. gentleman's incredulity of what he had said of lord Thurlow, it was to be remembered that he referred only to the act of parliament, not to the commission for opening parliament. He had reason to persist in his persuasion of the scruples and difficulties which that noble and learned lord would have been sensible of on the occasion of affixing the Great Seal, in order to give the royal sanction to a legislative act. The right hon. gentleman had endeavoured to put the question in a new light, by asking, if it would be a proceeding respectful to the Prince of Wales, to propose that he should do that which his royal brothers had unanimously declined to do, in withdrawing their names from the commissions? He was ready to acknowledge the ingenuity of the right hon. gentleman, but could not help feeling surprised that he should have studiously evaded answering the legal objections which he had thrown out for his consideration. He had quite forgotten to say a word on the subject of those statutes which made it even treasonable to assert an exclusive right of legislating on the part of the two Houses. He was not particularly disposed to hold cheap the law of the right hon. gentleman, and was ready to say, that in his late allusion to Reubel, when designating the present Ministry as a Directory, he had not meant any thing offensive to his feelings. He was among those who entertained a high respect for the amiable qualities and private virtues of that right hon. gentleman, and could easily conceive how possible it was for him to forget his law in the multitude of his political avocations, and in the pressure of those great exigencies, which he was bound to provide for in managing the state in all its departments—not omitting the Exchequer.—(A laugh.) He seemed to have sanguinely expected that lord Grenville, upon his assurance of indemnity, would have complied with his order, but lord Grenville, on wisely applying to the Attorney and Solicitor General, discovered that the indemnity was worth nothing, and that the right hon. gentleman was not infallible, at least as a legal authority. A parliament, he recollected, had once existed which excluded lawyers from sitting in it, who in revenge named it the "Parliamentum indoctum." If this appellation was justly applied, it was impossible to deny that the present parliament might be fairly entitled "Parliamentum super doctum." (A laugh). Indeed, the only question was, whether the House, or at least the country, had not too much of a good thing, in having a Cabinet composed principally of lawyers.

The Resolution was agreed to, and the House being resumed, the Report was received, and a Conference ordered with the Lords on the subject.

The *Chancellor of the Exchequer* then observed, that as the Conference might be obtained, early, to-morrow, he saw no obstacle to open the commission on the same day; and on Wednesday the Bill might be brought in and read a first time. If, however, he should experience any difficulty in accomplishing this, he should have no objection to read the Bill twice on Thursday, and to expedite its progress with all practicable dispatch. He begged also to remark, that as it might be imagined that the Call of the House would not be imperative after opening the Commission, he should move to-morrow that the Call be enforced on Thursday next.

Sir *T. Turton* suggested, that the commencement of the quarter-session on Wednesday next, might render it impossible for many members to attend on Thursday.

The *Chancellor of the Exchequer* said, that he should regret the absence of any member on such an occasion, but he did not see that it furnished any sufficient ground for retarding the proceedings of the House.—Adjourned.

HOUSE OF LORDS.

Tuesday, January 15.

[Minutes.] Lord Clive and several other members of the House of Commons brought up a Message, desiring a Conference on the subject matter of the last Conference.—On the motion of the earl of Liverpool the Conference was agreed to, and appointed to take place forthwith in the Painted Chamber, and the messengers from the Commons being again called in, were informed thereof by the Lord Chancellor.—After some time Mr. Quarme, the Deputy Usher of the Black Rod, announced at the bar that the Commons were ready for the Conference in the Painted Chamber.—The Lords appointed to manage the Conference, namely, the Lord President (earl Camden), the Lord Privy Seal (earl of Westmoreland), the earl of Mount Edgcumbe, lord viscount Cathcart, the bishop of Killala, lord Napier, and lord Kenyon, went forth. On their return soon afterwards, earl Camden reported the communication on the part of the Commons, of their agreement to the Resolution passed by the Lords on Friday last, for opening the Parliament, with an Amendment, to which they desired the concurrence of the Lords.—On the motion of the earl of Liverpool, who stated that the Amendment was merely the correction of a clerical error, the Amendment was agreed to, and a Message was sent to the Commons to inform them of the concurrence of the Lords.

[The Lords' Commissioners Speech

ON OPENING THE PARLIAMENT.] The Lord Chancellor rose and said: "My Lords; Forasmuch as for certain reasons his Majesty cannot be present here, a Commission has been issued, under the Great Seal, for opening the Session of Parliament. Is it your Lordships pleasure to adjourn to robe?"—The House adjourned to robe, and soon afterwards the Lord Chancellor again entered, and the Archbishop of Canterbury, the Lord Chancellor, the Lord President, the Lord Privy Seal, the Duke of Montrose, and the Earl of Liverpool took their seats in their robes as Commissioners in the name of his Majesty. —The Lord Chancellor, in the name of the Lords Commissioners, directed Mr. Quarme, the Deputy Usher of the Black Rod, to inform the Commons that the Commissioners desired their attendance in the House of Lords. Soon afterwards the Speaker and a great number of members of the House of Commons came to the bar. Upon which,

The *Lord Chancellor* said, "My Lords and Gentlemen; Forasmuch as for certain causes his Majesty cannot conveniently be present here in his Royal person, a Commission has been issued, under the Great Seal, authorizing the Lords in the said Commission named, to declare the causes of your meeting, and to do in all respects in his Majesty's name, which Commission you will now hear read."

The Commission was then read by the clerk at the table. After which,

The *Lord Chancellor* said, "My Lords and Gentlemen; Acting by virtue of the authority given to us in his Majesty's Commission which has been now read, amongst other things, to open and declare the causes of your meeting, we have only, in the present discharge of our duty, to call your attention to the afflicting circumstance of his Majesty's Indisposition, and to the necessity of making due and suitable provision for the care of his Majesty's sacred person, the maintenance of his royal dignity, and the exercise of his royal authority, in such manner, and to such extent, as the exigency of the case appears to require."

The Commons withdrew from the bar. The Lord Chancellor having resumed his seat on the woolsack, the earl of Liverpool, according to ancient usage, at the opening of every session, moved the first reading of a Bill for the better regulation of Select Vestries, which was read a first time.—On the motion of the earl of Liverpool, lord Walsingham was reappointed Chairman of the Committees for the session; and the usual orders at the commencement of every session were directed to be issued.—The Lord Chancellor gave notice of his motion relative to Proxies for to-morrow se'nnight, and moved that the Lords be summoned.

HOUSE OF COMMONS.

Tuesday, January 15.

[RESOLUTION RESPECTING LETTERS PATENT FOR OPENING THE PARLIAMENT.] The *Chancellor of the Exchequer* called the attention of the House to a clerical error in the Resolution adopted last night, authorizing the Great Seal to be put to a commission for opening the Parliament. This error existed in the Resolution as it came from the Lords, and rendered the sentence in which it took place perfect nonsense. Before, therefore, the Lords were apprised of the concurrence of the Commons in the Resolution, it was desirable that the absurdity should be corrected. The sentence to which he alluded ran thus,—"That it is expedient and necessary that Letters Patent should issue under the Great Seal of the United Kingdoms of Great Britain and Ireland, called Great Britain." Now, whether it was intended to call the Great Seal, Great Britain, or to call the United Kingdoms Great Britain, the error was equally manifest, and he should move to leave out the superfluous words. In the first place, however, it would be necessary to discharge the order for apprising the House of Lords of the concurrence of the Commons in the Resolution; and he would thereupon move, that the said order be discharged.

Mr. *Sheridan* said, he did not rise to oppose the motion. At the same time he confessed, that he could see no impropriety in allowing the language of the Resolution to bear as near a resemblance as possible to the general character of the whole proceeding.

The order was then discharged; the superfluous words "called Great Britain," were omitted, the Resolution as amended was agreed to, and lord Clive was sent to the House of Lords to request a Conference on the subject.

[EXECUTION OF A CONVICT.] Mr. *Sheridan* observed, that as the House was unemployed in the absence of the noble lord, he would avail himself of the opportunity to mention a circumstance, the occurrence of which had made a deep impression on his mind. This circumstance was, that a convict had been allowed to suffer death during a period when all access was closed to the fountain of mercy. He had himself written a letter upon the subject on Sunday, to the right hon. Secretary of State opposite; and he returned him his thanks for the ready and polite attention which he had received, although their opinions were dissimilar. He would not give any formal notice on this subject. He would turn it over in his mind, and consult his friends upon it, and possibly might, at some future period, bring it under the consideration of Parliament.

The *Chancellor of the Exchequer* expressed his unwillingness that a false impression should be allowed to remain for a single moment upon the public mind, with respect to the proceeding adverted to by the right hon. gent., and therefore although the forms of the House precluded any thing like discussion or argument, he might perhaps be admitted to state, that what had taken place was in strict execution of the letter of an act of parliament. On occasions, such as that alluded to, the judges had full power to respite a convict if it appeared to them that such a respite ought to be granted; and although the ultimate fountain of mercy might be closed, yet all the intermediate channels were open. In this case, however, there had not been any application, either judicial or otherwise, with a reference to the statement of circumstances favourable to the unhappy convict who had subjected himself to the sentence of the law. He repeated his anxiety that no false impressions should go forth on the subject; but that it should be clearly understood that what had been done was done in strict conformity to the provisions of an act of parliament, which declared that the punishment of murder should take place within a certain period after conviction.

Mr. *Sheridan* declared, that he would be the last man in the world to throw out insinuations in a case on which he should, perhaps, after all, not think it advisable to adopt any parliamentary proceeding. He was fully aware that the act required the execution of the sentence in a certain time. He was aware also that the judges had it in their own breast to respite if they thought proper. Nor did his observations proceed from any consideration of the merits of the case. He put them wholly out of the question. Instead of imagining that there could be any doubt whether the crime was murder or manslaughter, he would suppose that it was the most foul and atrocious murder that could possibly be committed. The question was, whether under the present circumstances the sentence ought to have been carried into execution? Was not the right hon. gent. aware that the right hon. Secretary of State near him had very properly granted two reprieves to a person under sentence of death in Scotland? And why not in this recent instance? The crime of murder had been more than once pardoned in the present reign. M'Quirke, who was convicted of a murder at the Middlesex election, was pardoned by his Majesty; and Kennedy, who was convicted of murdering a watchman on Westminister-bridge, although not recommended to mercy by the Judge, yet obtained access by other means to the fountain of mercy, and was pardoned. He considered it as the strongest instance of the lame and crippled state of the monarchy, that the fountain of mercy should be stopped, and that a Secretary of State should think himself obliged to assume the first of all the royal prerogatives. The gentlemen opposite had declared, that in cases of great necessity, they would not hesitate to take on themselves the responsibility of exercising the functions of the executive government. He imputed no blame to them for this declaration. It was necessary that the army and navy should be paid. But here was an assumption of the royal prerogative not called for by the necessity of the case. Where would have been the evil of reprieving this unhappy man for a fortnight, when a legitimate authority would have existed to pronounce on his fate? The country was placed in a deplorable situation, when a subject thus imagined that he was justified in unnecessarily assuming the first prerogative of the crown.

Mr. Secretary *Ryder*, after what had been said by the right hon. gent. could not refrain from making a few observations. The right hon. gent. had accused him of acting differently with respect to the person under sentence of death in Scotland, and the unhappy man who was yesterday executed; that in the latter instance he had suffered the law to take its course, and that in the former he had taken on himself the responsibility of extending the interval between the sentence and the punishment. But the two cases were perfectly different. In the case of the man condemned to death in Scotland, after consulting those who were concerned in the prosecution, he had thought it incumbent upon him not to assume the prerogative of pardoning, but to suspend the execution of the law. As to the other case he had taken all possible pains (without any application from the unhappy individual) to ascertain whether there were any possible grounds to admit of the extension of mercy. He had been informed by the Recorder, that he and the learned judges who assisted him on the bench, had not the slightest doubt of the guilt of the individual. Indeed, had they entertained the slightest doubt of his guilt, it would have been their duty (and he was sure that it would have been their inclination) to exercise the power entrusted to them by law, of granting a reprieve. But considering that it was as foul a murder as had ever been committed, they thought it incumbent on them to suffer the law to take its course. He submitted to the House, when the Judges, who were necessarily the best acquainted with the merits of the case, thought fit thus to proceed, whether it would have been consistent with his duty to suspend the operation of the law, and to have obstructed the course of an act of parliament, which required (for very wholesome reasons), that in cases of murder the punishment should take place the day after the conviction? He conceived that what had occurred ought to have occurred. He conceived that in ordinary cases the ordinary operation of the law ought to proceed; and that where no notice was taken by the court of circumstances of alleviation, he would not be justified in any interference. He conceived also that the learned judges would not have been justified in respiting the convict on the ground urged by the right hon. gentleman.

[OPENING OF THE SESSION.] Lord Clive appeared at the bar, and reported that the Lords had agreed to the desired Conference. The same Committee was appointed to manage the present Conference as that which managed the last; and immediately went forth with the amended Resolution.—On their return, lord Clive informed the House, that they had left the amended Resolution with their lordships, desiring their concurrence therewith.—In a few minutes a Message from the Lords announced their lordships' concurrence in the Amendment made by the Commons to the Resolution.—After which the Deputy Usher of the Black Rod made his appearance, and desired the attendance of the House of Commons in the House of Lords, to hear the Commission of the Lords Commissioners read.

The Speaker and all the Members present accordingly attended. On their return, the Clandestine Outlawry Bill was read a first and second time *pro forma.*

The Speaker then acquainted the House, that that House had been in the House of Peers by desire of the Lords Commissioners, appointed under the Great Seal for opening the Session of Parliament, when the Lord Chancellor had made a Speech, of which, to prevent mistakes, he had procured a copy.—(The Speaker here read the Speech, for which see the proceedings of the House of Lords.)

Mr. *Sheridan* wished to know, whether in the opinion of the right hon. gent. opposite, the Commission which had already been issued, contained sufficient power to authorise the royal assent to be given to any legislative proceeding without the necessity of issuing a second commission? It was well known that great doubts existed on this subject at a former period in the mind of the earl of Hardwicke, then Lord Chancellor. He was desirous of ascertaining the sentiments of the right hon. gent. opposite upon it.

The *Chancellor of the Exchequer* clearly understood that it would be necessary to constitute a second Commission, for the purpose of giving the royal assent to any proceeding of the two Houses. He was about to propose the introduction of a Bill, by which a legislative remedy would be applied to the evils which resulted, both in this and in other cases, from the suspension of the Royal Authority, and he should immediately proceed to—

The *Speaker*, interposing, observed, that the usual course of the House at the commencement of a Session was to establish itself, by the appointment of its Committees; Grand Committees, &c.

The Committees and Grand Committees of Religion, Trade, Privileges, &c. were then appointed, and the usual Standing Orders of the House were read and agreed to.

[THE REGENCY BILL, AS BROUGHT IN BY THE CHANCELLOR OF THE EXCHEQUER.] The *Chancellor of the Exchequer* observed, that the general anxiety for the introduction of the Bill, leave to bring in which, he was about to solicit, and the ample discussions which had already taken place on the subject, rendered it unnecessary for him to say one word more than merely to move, "That leave be given to bring in a Bill to "provide for the Administration of the "Royal Authority, and for the care of "his Majesty's Royal Person, during the "continuance of his Majesty's illness, and "for the resumption of the exercise of the "Royal Authority by his Majesty."

Mr. *W. Smith* rose, not to oppose the motion, because he conceived that the proceeding of the two Houses of Parliament to supply the deficiency in the executive authority had been much too dilatory, but to express his regret that another course, by which a number of inconveniences would have been avoided, had not been adopted in preference to the present.

The motion was then agreed to; and the Chancellor of the Exchequer, Mr. Secretary Ryder, lord Clive, the Master of the Rolls, and the Attorney and Solicitor General, were instructed to bring in the Bill. The Chancellor of the Exchequer immediately brought up the Bill; and, on his motion, it was read a first time, and ordered to be read a second time to-morrow, and to be printed. The following is a copy of the said Bill:

A BILL

To provide for the Administration of the Royal Authority, and for the Care of His Majesty's Royal Person, during the continuance of His Majesty's Illness; and for the Resumption of the Exercise of the Royal Authority by his Majesty.

"WHEREAS by reason of the severe indisposition with which it hath pleased God to afflict the King's most excellent Majesty, the personal exercise of the Royal Authority by his Majesty is for the present so far interrupted, that it becomes necessary to make provision for assisting his Majesty in the administration and exercise of the Royal Authority, and also for the care of his royal person during the continuance of his Majesty's indisposition, and for the resumption of the exercise of the Royal Authority by his Majesty;

"Be it therefore Enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that his royal highness George Augustus Frederick Prince of Wales, shall have full power and authority, in the name and on the behalf of his Majesty, and under the stile and title of "Regent of the United Kingdom of Great "Britain and Ireland," to exercise and administer, according to the Laws and Constitution of the United Kingdom of Great Britain and Ireland, and the dominions of his Majesty, the royal power and authority to the Crown of the said United Kingdom belonging, and to use execute and perform all authorities prerogatives acts of government and administration of the same, which lawfully belong to the King of the said United Kingdom to use execute and perform; subject to such Limitations Exceptions Regulations and Restrictions, as are hereinafter specified and contained; and all and every act and acts which shall be done by the said Regent, in the name and on the behalf of his Majesty, by virtue and in pursuance of this act, and according to the powers and authorities hereby vested in him, shall have the same force and effect to all intents and purposes as the like acts would have if done by his Majesty, and shall to all intents and purposes be full and sufficient warrant to all persons acting under the authority thereof; and all persons shall yield obedience thereto, and carry the same into effect, in the same manner and for the same purposes as the same persons ought to yield obedience to and carry into effect the like acts done by his Majesty; any law, course of office, or other matter or thing to the contrary notwithstanding.

"Provided always, That as to all authorities given and appointments made, and all other acts matters and things usually done under the authority of the royal Sign Manual, the signature of the Regent in the form following; that is to say, *G. R. by G. P. R*^{t}., shall be as valid and effectual and have the same force and effect as his Majesty's royal Sign Manual, and shall be deemed and taken to be to all intents and purposes his Majesty's Royal Sign Manual, and be obeyed as such.

"Provided always, and be it declared and enacted, That every person, holding any office or place under any appointment or authority from his Majesty, shall continue to hold the same, and to use exercise and enjoy, all the powers authorities privileges and emoluments thereto belonging, notwithstanding the Regency created by this act; unless and until the Regent shall signify his pleasure to the contrary.

"Provided always, and be it further Enacted, That when his Majesty shall be restored to such a state of health as to be capable of resuming the personal exercise of his royal authority, and shall have declared his royal will and pleasure thereupon, as hereinafter provided, all and every the powers and authorities given by this act, for the exercise and administration of his royal power and authority, or for the using executing and performing the authorities prerogatives acts of government and administration of the same, which belong to the King of the united kingdom of Great Britain and Ireland to use execute and perform, or for the care of his Majesty's royal person, shall cease and determine; and no act matter or thing, which under this act, and previous to such declaration might be done in the administration of his Majesty's royal power and authority, or in the using exercising or performing any such authorities prerogatives acts of government or administration as aforesaid, or in the care of his Majesty's royal person, by virtue and in pursuance of this act, shall, if done after such declaration of his Majesty's royal will and pleasure, be thenceforth valid or effectual.

"Provided always, That all persons holding any offices or places at the time of such declaration, under any appointment or authority of the Regent under the provisions of this act, shall continue to hold the same, and to use exercise and enjoy all the powers authorities privileges and emoluments thereof, notwithstanding such declaration of the resumption of the royal authority by his Majesty, unless and until his Majesty shall declare his royal will and pleasure to the contrary; and all orders acts of government or administration of his Majesty's royal authority, made issued or done by the said Regent, or her Majesty, before such declaration, shall be and remain in full force and effect, until the same shall be countermanded by his Majesty.

"Provided also, and be it enacted, That no acts of regal power prerogative government or administration of government of what kind or nature soever, which might lawfully be done or executed by the King's most excellent Majesty, personally exercising his royal authority, shall, during the continuance of the Regency by this act established, be valid and effectual, unless done and executed in the name and on the behalf of his Majesty, by the authority of the said Regent, according to the provisions of this act, and subject to the limitations exceptions regulations and restrictions hereinafter contained.

"And be it further enacted, That the said Regent, before he shall act or enter upon his said office of Regent, shall take the following oath of office:

'I do solemnly promise and swear, That 'I will truly and faithfully execute 'the office of Regent of the united 'Kingdom of Great Britain and Ireland, according to an Act of Parliament passed in the Fifty-first year 'of the Reign of His Majesty King 'George the Third, intituled, An Act '[here insert the Title of this Act]; 'and that I will administer, according to Law, the power and authority 'vested in me by virtue of the said 'Act; and that I will in all things to 'the utmost of my power and ability, 'consult and maintain the safety honour and dignity of his Majesty and 'the welfare of his people.

'So help me GOD.'

Which oath shall be taken before his Majesty's most honourable Privy Council; who are hereby required and empowered to administer the same, and to enter the same in the books of the said Privy Council.

"And be it further enacted, That the said Regent shall be deemed and taken to be a person having and executing an office and place of trust within England, and shall take and subscribe such oaths, and make and subscribe such declaration, and do all such acts as are required by the laws and statutes of that part of the United Kingdom called England, to qualify persons to hold offices and places of trust; and to continue in the same in such manner as in and by the said laws and statutes are required, and under such pains penalties forfeitures and disabilities as are therein and thereby appointed and ordained.

"And be it also enacted, That it shall be lawful for the said Regent to take and subscribe such oaths, and make and subscribe such declaration, in and before his Majesty's most honourable Privy Council; and that the certificate of his having received the Sacrament of the Lord's Supper, in any of the royal chapels, signed by the person administering the same, shall be sufficient evidence of the said Regent's having received the Sacrament; and that such certificate shall be registered in the books of the said most honourable Privy Council; and that such taking and subscribing the said oaths, and making and subscribing the said declaration, and taking the Sacrament of the Lord's Supper as aforesaid, shall be to all intents and purposes as effectual as if the same had been respectively taken made and subscribed, in the manner now required by law for the qualification of persons to hold offices and places of trust, and to continue the same.

"Provided always, and be it enacted, That until after the   if Parliament shall be then assembled, and shall have been sitting for   weeks immediately previous to the said   or if Parliament shall be then assembled but shall not have been so sitting for   weeks, then until the expiration of   weeks after Parliament shall have been so assembled and been sitting; or if Parliament shall not then be assembled, then until the expiration of   weeks after Parliament shall have been assembled and sitting, next after the said   the Regent shall not have or exercise any power or authority to grant, in the name and on the behalf of his Majesty, any rank title or dignity of the Peerage, by letters patent, writ of summons, or any other manner whatever, or to summon any person to the House of Lords by any title to which such person shall be the heir apparent, or to determine the abeyance rank title or dignity of Peerage, which now is or hereafter shall be in abeyance, in favour of any of the coheirs thereof, by writ of summons or otherwise.

"Provided also, and be it further enacted, That the said Regent shall not, until after the   or the expiration of such   weeks as aforesaid, have power or authority to grant, in the name or on the behalf of his Majesty, any office or employment whatever, in reversion, or to grant for any longer term than during his Majesty's pleasure, any office employment salary or pension whatever, except such offices and employments in possession for the term of the natural life or during the good behaviour of the grantee or grantees thereof respectively, as by law must be granted: Provided always, That nothing herein contained, shall in any manner affect or extend to prevent or restrain the granting of any pensions under the provisions of an act passed in the 39th year of the reign of his present Majesty, intituled, 'An Act for the Augmentation of the Salaries of the Judges of the Courts in Westminster Hall, and also of the Lords of Session, Lords Commissioners of Justiciary, and Barons of Exchequer in Scotland; and for enabling his Majesty to grant Annuities to Persons in certain Offices in the said Courts of Westminster Hall, on their Resignation of their respective Offices;' and of another act passed in the 48th year of the reign of his present Majesty, intituled, 'An Act for enabling his Majesty to grant Annuities to the Judges of the Courts of Session, Justiciary, and Exchequer in Scotland, upon the Resignation of their Offices;' and of another act, passed in Ireland, in the 40th year of the reign of his present Majesty, intituled, 'An Act to enable his Majesty to grant Annuities to the Lord High Chancellor, and to the Judges of the Court of King's Bench, Master of the Rolls, Judges of the Courts of Common Pleas and Exchequer, Judge or Commissary of the Court of Prerogative, the Judge of the Court of Admiralty, the Chairman of the Quarter Sessions of the County of Dublin, and Assistant Barristers of the several other Counties, on the Resignation of their respective Offices; and to amend an Act passed in the 36th year of his present Majesty, intituled, "An Act for increasing the Salaries of the Chief and other Judges of the Courts of King's Bench and Common Pleas, and of the Chief Baron and other Barons of the Court of Exchequer in this Kingdom."'

"And be it enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Regent, in the name and on the behalf of his Majesty, to give the Royal Assent to any bill or bills in Parliament, for repealing changing or in any respect varying the order and course of succession to the crown of this realm, as the same stands now established by an act passed in the 12th year of the reign of king William the Third, intituled, 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject;' or to any act for repealing or altering the act made in the 13th year of the reign of king Charles the Second, intituled, 'An Act for the Uniformity of Public Prayers and Administration of Sacraments, and other Rites and Ceremonies, and for establishing the Form of 'making ordaining and consecrating Bi-'shops Priests and Deacons, in the Church 'of England ;' or the act of the fifth year of the reign of queen Anne, made in Scotland, intituled, 'An Act for securing the 'Protestant Religion and Presbyterian 'Church Government.'

"Provided also, and be it enacted, That if his said Royal Highness George Augustus Frederick Prince of Wales, shall not continue to be resident in Great Britain, or shall at any time marry a Papist, then and in either of such cases, all the powers and authorities vested in his said Royal Highness by this Act, shall cease and determine.

"And whereas it is expedient that the care of his Majesty's Royal Person should be committed to the Queen's Most Excellent Majesty, together with the sole direction of such portion of his Majesty's Household as shall be deemed requisite and suitable for the due attendance on his Majesty's Sacred Person and the maintenance of his Royal Dignity; Be it therefore enacted, That the care of his Majesty's Royal Person, and the disposing ordering and managing of all matters and things relating thereto, shall be and the same are hereby vested in the Queen's Most Excellent Majesty, during the continuance of his Majesty's indisposition; and that the sole direction of the portion of his Majesty's Household, hereinafter mentioned, shall be and is hereby vested in her said Majesty, and her said Majesty shall have the full and sole power and authority, by any Instrument or Instruments in writing signed and sealed by her Majesty, to nominate and appoint, in case of any vacancies arising by resignation or death, all the Officers and Persons belonging to his Majesty's Household, in the respective departments thereof, whose appointment nomination or removal have heretofore been made by his Majesty; except   and the nomination and appointment by her Majesty, in manner and form aforesaid, shall be valid and effectual to all intents and purposes as if the same had been made or done by his Majesty in the accustomed manner; and the several Persons so appointed shall be entitled to the like precedence privileges salaries wages profits and all other emoluments, as the several Persons now holding and enjoying the same offices are respectively entitled to: Provided always, That her said Majesty shall not have any power or authority to remove any Officer in any department of his Majesty's Household, by this Act made subject to the nomination or appointment of her Majesty, who shall have been nominated and appointed by his Majesty: Provided also, That during the continuance of this Act, no appointment shall be made to the office of Lord Chamberlain to his Majesty's Household, now vacant, but that all the duties of the said office shall be performed by the Vice Chamberlain; and that during the continuance of this Act, no Person holding the office of Groom or Gentleman of his Majesty's Bed Chamber shall be subject to be removed; and no vacancy which shall arise by death or resignation of any of the Grooms or Gentlemen of his Majesty's Bed Chamber, shall be supplied or filled up, or any appointment or nomination made to supply any such vacancy.

"And whereas the execution of the weighty and arduous trusts, by this Act committed to the Queen's Most Excellent Majesty, may require the assistance of a Council, with whom her Majesty may consult and advise; Be it therefore enacted, That in order to assist and advise her said Most Excellent Majesty, in the several matters aforesaid, there shall be, during the continuance of his Majesty's illness, a Council, consisting of   which Council shall from time to time meet as her Majesty shall be pleased to direct, and shall also have power to meet in manner by this Act directed; and if it should happen that any of them the said   should depart this life, or by any Instrument in writing communicated to her Majesty, signify their intention to decline to act, then and in such case it shall be lawful for the Queen's Most Excellent Majesty, from time to time, by an Instrument in writing signed and sealed by her Majesty revokable at her will and pleasure, to nominate and appoint some one Person, being or having been a member of his Majesty's Most Honourable Privy Council, to be a member of the said Council, to advise and assist her Majesty as aforesaid, in the room and place of each and every of the said Counsellors so departing this life, or declining to act as aforesaid; which nomination and appointment shall be forthwith certified by an Instrument in writing, signed and sealed by her Majesty, to the Lords of his Majesty's Most Honourable Privy Council, and shall be entered in the books of the said Privy Council.

"And be it further enacted, That each and every member of her Majesty's council shall, within the space of after his appointment by virtue of this Act, or by virtue of her Majesty's nomination and appointment, in manner aforesaid, take the following oath, before the Lord High Chancellor or Keeper of the Great Seal, or Commissioners for keeping the Great Seal of Great Britain, or the Lord President of his Majesty's Privy Council, or the Chief Justice of the court of King's Bench for the time being, respectively, or either of them, who are hereby severally and respectively required and empowered to administer the same, when required so to do by any person so appointed a member of her Majesty's council as aforesaid; and the person administering such oath, shall give to the member taking the same, a certificate of the same having been so taken, signed with his hand; which certificate shall be forthwith transmitted to his Majesty's Privy Council, and entered in the books of the said Privy Council:

'I *A. B.* do solemnly promise and 'swear, That I will truly and faith'fully counsel and advise the Queen's 'most excellent Majesty, according 'to the best of my judgment, in all 'matters and things relating to the 'trusts committed to her Majesty, 'touching the care of his Majesty's 'royal person.'

"And be it further enacted, That or more of the members of the council appointed to assist her Majesty in the execution of the trusts committed to her Majesty by this act, shall meet on some day in the first week in April one thousand eight hundred and eleven, and upon the first day of every third month thereafter; and shall at every such meeting, declare the state of his Majesty's health at the time of each of such meetings respectively, and shall forthwith transmit a copy of such declaration to the president of his Majesty's most honourable privy council, or in his absence to one of his Majesty's principal Secretaries of State; who shall thereupon cause the same to be inserted in the books of the Privy Council, and to be published in the London Gazette.

"And be it further enacted, That her Majesty's Council, or any or more of them, shall have power and authority at all times, when they shall judge it necessary to call before them and to examine upon oath, the physicians and all other persons attendant on his Majesty, during the continuance of his illness, touching the state of his Majesty's health; and all matters relating thereto; (which oath any member of the said council is hereby authorised and empowered to administer.)

"And whereas it is necessary that effectual provision should be made, that his Majesty may resume the personal exercise of his royal authority, as soon as his Majesty is restored to such a state of health as to be capable of resuming the same; Be it therefore enacted, That when it shall appear to her Majesty the Queen, and to any or more of the council appointed by this act to assist her Majesty in the execution of the trust committed to her Majesty by this act, that his Majesty is restored to such a state of health as to be capable of resuming the personal exercise of the royal authority, it shall and may be lawful for her said Majesty, by the advice of any or more of her said council, to notify the same by an instrument under her Majesty's hand, and signed also by the said or more of her Majesty's said council, and addressed to the Lord President of his Majesty's most honourable Privy Council for the time being, or in his absence to one of his Majesty's principal Secretaries of State; and the said Lord President or Secretary of State shall and is hereby required, on the receipt thereof, to communicate the same to the said Regent, and to summon forthwith a Privy Council; and the members of his Majesty's most honourable Privy Council are hereby required to assemble in consequence of such summons; and the said Lord President, or in his absence the said Secretary of State, is required, in the presence of any or more Privy Councillors so assembled, to cause the said Instrument to be entered on the books of the said Privy Council.

"And be it further enacted, That if at any time after the said instrument under the hand of her Majesty, and of of her said council shall have been received and entered as aforesaid, his Majesty shall think proper, by an instrument under his Sign Manual, to require the Lord President of his Majesty's most honourable Privy Council for the time being, or in his absence, one of his Majesty's principal Secretaries of State, to summon a council in his Majesty's presence, consisting of any number of persons not less than whom his Majesty shall name, and who shall be or shall have been members of his Majesty's most honourable Privy Council, the said Lord President or Secretary of State shall and he is hereby required to summon such persons accordingly; and as well the said Lord President or Secretary of State, as the other persons so summoned, shall and they are hereby required to attend at the time and place appointed by his Majesty; and such persons so assembled shall be and be deemed to be a Privy Council, for the purpose hereinafter mentioned.

"And be it further enacted, That if his Majesty, by the advice of of such Privy Council so assembled, shall signify his royal pleasure to resume the personal exercise of his royal authority, and to issue a proclamation declaring the same, such proclamation shall be issued accordingly, countersigned by the said of the said Privy Council, and shall, together with the proceedings of her Majesty's Council, and of the Privy Council, in relation to such instrument as aforesaid, be published with such proclamation in the Gazette; and a copy of such instrument shall be sent to the Lord Mayor of the City of London; and all the powers and authorities given by this act, shall from thenceforth cease and determine, and the personal exercise of the royal authority by his Majesty, shall be and be deemed to be resumed by his Majesty, and shall be exercised by his Majesty, to all intents and purposes as if this act had never been made.

"And be it further enacted, That if his Royal Highness George Augustus Frederick Prince of Wales shall depart this life during the continuance of the Regency by this act established, or cease to be Regent under any of the provisions thereof, the Lords of his Majesty's most honourable Privy Council shall forthwith cause a proclamation to be issued, in his Majesty's name, under the Great Seal of Great Britain, declaring the same; And if her Majesty the Queen shall depart this life during the time that the care of his Majesty's royal person shall be committed to her Majesty, according to the provisions of this Act, the Regent shall forthwith order and direct a proclamation, under the Great Seal of Great Britain, to be issued and published, declaring the same; And in case the parliament in being at the time of the issuing of any proclamation, declaring the death of the Regent or of her Majesty, or at the time of the publication of any notification in the Gazette, or issuing of any proclamation for the resumption of the personal exercise of the royal authority by his Majesty, shall then be separated, by any adjournment or prorogation, such parliament shall forthwith meet and sit; or if there shall be no parliament in being, then and in such case the members of the last preceding parliament shall forthwith meet and sit.

"And be it enacted, That the said members of any parliament, which shall have been dissolved, so meeting and sitting, shall be deemed and taken to be the two Houses of Parliament, to all intents and purposes, as if the former parliament had not been dissolved; but that they shall not continue to sit as the said two Houses, or be deemed and taken as such, for any longer time than months after the day on which they shall so meet; and that they shall be subject to be sooner prorogued or dissolved.

"And be it also enacted, That in case of the death of her Majesty the Queen, the care of his Majesty's royal person, and all and every the powers and authorities in and by this act vested in her Majesty, touching the care of his Majesty's royal person, and the disposing ordering and managing all matters and things relating thereto, shall be and the same are hereby vested in her Majesty's council, until due provision shall have been made in relation thereto by parliament: Provided nevertheless, that in such case, nothing in this act contained shall extend or be construed to extend to empower the Regent, or the said council, to nominate appoint or remove any of the officers or persons of his Majesty's Household, by this act made subject to the nomination appointment or removal of her Majesty, until due provision shall have been made by parliament in that behalf.

"And be it further enacted, That if any person being a member of the House of Commons, shall accept of any office of profit from the Crown, by the nomination and appointment of the Regent in the name and on behalf of his Majesty, or of her Majesty the Queen, during the continuance of the Regency hereby established, the election of such member shall be and is hereby declared to be void, and a new writ shall issue for a new election, in such and the like manner as if such person had been appointed to such office by his Majesty.

"And be it further enacted, That the several letters patent, letters of Privy Seal, and all other lawful authorities, of what nature or kind soever, which have been granted or issued by his Majesty, by virtue whereof any payments of any sum or sums of money are directed to be paid out of the monies applicable to the use of his Majesty's civil government, for the use of the Queen's most excellent Majesty, or for the use of any of the branches of his Majesty's royal family, shall continue to be and the same are hereby enacted to continue and be of full force and effect respectively, during the continuance of the Regency by this act established; and that warrants shall be issued by the Lord High Treasurer or Lords Commissioners of the Treasury, for the payment of the several sums therein respectively contained; which warrants the said Lord High Treasurer or Lords Commissioners of the Treasury are hereby respectively required to issue at the usual and accustomed times, and in the usual and accustomed manner.

"And be it further enacted, That the Lord High Treasurer or Lords Commissioners of his Majesty's Treasury shall direct, and they are hereby required annually to direct, on or before the

the sum of sixty thousand pounds to be issued, out of the monies of the civil list revenues, to the keeper of his Majesty's privy purse for the time being; and that the said keeper of his Majesty's privy purse shall and he is hereby authorized and directed, during the continuance of the Regency by this act established, to issue and apply the sum of

in the year, in such half-yearly or quarterly payments, to such persons, and in such manner, as he had issued and applied the same by the authority and direction of his Majesty; and that he shall pay and he is hereby authorized and directed to pay the sum of

at the expiration of each and every quarter, to such person as her most excellent Majesty the Queen shall, by any instrument signed and sealed by her Majesty, authorize and direct to receive the same, to be by her Majesty's direction applied in such gifts charities and allowances, as her Majesty may judge the same would have been applied to by his Majesty; and that the remainder of the aforesaid sum shall be invested by the said keeper of his Majesty's privy purse, in some of the public funds or government securities, in the name of the keeper of his Majesty's privy purse for the time being, in trust for his Majesty; and that the net surplus of the revenues of the duchy and county palatine of Lancaster, shall be from time to time paid, under the order of the Chancellor and council of the said duchy, into the hands of the keeper of his Majesty's privy purse, whose receipt shall be a sufficient discharge for the same, and shall by him be invested in some of the public funds or government securities, in manner aforesaid; and that the governor and company of the Bank of England shall place the said several sums on an account to be raised in the books of the said governor and company, intituled, 'The account of the keeper of his Majesty's privy purse;' and that upon the death resignation or removal of the present and every other keeper of his Majesty's privy purse, hereafter to be appointed, all and every the said stock or stocks and sum or sums of money arising from the dividends which shall accrue thereon, shall immediately vest in the successor of the present or any future keeper of his Majesty's privy purse respectively; and the keeper of his Majesty's privy purse for the time being is hereby required to lay out and invest the dividends so accruing as aforesaid from time to time, in the purchase of other stocks and securities, on the like account; and that the keeper of his Majesty's privy purse for the time being, shall from time to time execute declarations of trust of all such funds and securities, declaring that the same are held in trust for his Majesty, by instruments to be executed under his hand and seal, to be deposited with her Majesty.

"Provided always, and be it enacted, That the said keeper of his Majesty's privy purse shall, on or before the

and on or before the

in every succeeding year during the continuance of this act, take an oath before the barons of the Exchequer, or one of them, in the form following:

'I A. B. do swear, That according to 'the best of my knowledge belief or 'information, no part of the money 'which has been issued to me for the 'service of his Majesty's privy purse, 'by virtue of an act, intituled, 'An 'act [here insert the title of this act] 'between the and the 'has been applied, directly or indirectly, for the benefit 'use or behoof of any member of the 'House of Commons, or so far as I 'am concerned applicable directly 'or indirectly to the purpose of supporting or procuring an interest in 'any place returning members to 'parliament.

'So help me God.'

"And whereas an act passed in the thirty-ninth and fortieth years of the reign of his present Majesty, intituled, 'An act 'concerning the disposition of certain real 'and personal property of his Majesty, 'his heirs and successors, and also the 'real and personal property of her Majesty, and of the Queen consort for the 'time being:'. And whereas it is necessary that provision should be made for the care of the real and personal estate and property of his Majesty, during his indisposition, and for the preservation thereof for the use of his Majesty, and for his Majesty's future disposal; be it therefore enacted, That all persons having the care or management of his Majesty's real or personal estate or property, or any part thereof, shall be and are hereby made and declared to be subject to the controul order direction appointment and removal of the several and respective trustees of the real and personal estate and property of which they are respectively in the care and management; and shall from time to time, and whenever required so to do, account to the respective trustees of the several and respective parts of the real and personal estate and property of which they so have the care and management, for all the rents issues profits dividends interest and sums of money arising or accruing therefrom respectively; and shall apply pay over lay out invest or otherwise dispose of the same, for the use of his Majesty, in such manner as shall be from time to time ordered and directed by such trustees respectively, and as to such trustees shall appear most adviseable and beneficial for the care and improvement of such real and personal estate and property, and the preservation thereof, for his Majesty's future disposal; and all the real and personal estate and property of his Majesty, in relation to which no disposition shall have been made by his Majesty before his illness, or which shall not now be vested in any trustee or trustees for his Majesty's use, shall immediately from and after the vest in for the use of his Majesty, and for the protection and care thereof during his Majesty's illness, and preservation thereof for his Majesty's future disposal; and all persons in the care and management of any real or personal estate or property, so vested in such trustees as aforesaid, under this act, shall in like manner as aforesaid be subject to the order controul direction appointment or removal of such trustees as last aforesaid, or any or more of them, and shall account to such trustees in like manner as is hereinbefore directed, in relation to such real and personal estate and property as was vested in trustees before the and shall in like manner as aforesaid apply pay over lay out invest, or otherwise dispose of the rents issues profits dividends interest and sums of money arising or accruing therefrom respectively, according to the order and direction of such trustees as aforesaid.

"Provided always, That all dividends, arising from any Public Funds or securities, shall be from time to time invested and laid out in the purchase of other like Funds or Public Securities, unless any other order or direction shall be given by the trustees thereof respectively; and all trustees in whom any real or personal estate or property was vested, before the or in whom the same is vested by the provisions of this act, shall hold all such estates and property for the use and benefit of his Majesty, and preserve the produce thereof, and of all rents issues profits dividends interest and sums of money, arising and accruing therefrom, for his Majesty's use and benefit, and for the future disposal of his Majesty, in case no disposition shall have been made thereof by his Majesty before his illness; and all such real and personal estate and property, and rents issues profits produce dividends interest and sums of money aforesaid, arising and accruing therefrom, whereof no disposition shall have been made by his Majesty before his illness, shall, if no disposition thereof shall hereafter be made by his Majesty, go and be disposed of according to law.

"Provided always, That nothing in this act contained shall be construed to invalidate or in any maner to affect any disposition which shall have been made, or which shall hereafter be made, by his Majesty, by deed will or otherwise, of any such property or proceeds thereof as aforesaid, either before or after his Majesty's illness, which would have been or would be a good and valid disposition of such property, if this act had not passed."

[CALL OF THE HOUSE—PRIVATE BILLS.] The *Chancellor of the Exchequer* said, there were two points to which he wished to draw the attention of the House. He conceived, that although in the new situation in which the House had been just placed, no reference could be strictly made to their former orders; yet that the orders which had been made for calling over the House, might fairly be considered as warranting him in moving without further notice, That the House be called over on Thursday.—The other point related to private business. It had been considered as convenient and expedient at the commencement of every session of parliament, for some years past, to limit the time of receiving Petitions for Private Bills, the bills themselves, and the Reports of them, in order to give to all parties interested the opportunity of rendering themselves completely acquainted with the merits of the proceeding. He gave notice, therefore, that he would to morrow make a motion to this effect; but in giving this notice, he must state, that there was a consideration to which the House ought to attend. It was impossible that any one could foresee what might be the opinion of his Royal Highness the Regent, as to the propriety of any adjournment or prorogation of parliament. If it should be thought desirable by his advisers, that any adjournment or prorogation should soon take place, it would then be expedient that the House should review the Resolution respecting Private Bills, which he should to-morrow submit for their adoption. He moved that the House be called over on Thursday.—Ordered.

HOUSE OF COMMONS.

Wednesday, January 16.

[MINUTES.] Mr. Bankes gave notice, that on Monday he should move for the re-appointment of the Committee on the Public Expenditure, as appointed last session; as also, for the revival of the Committee to inquire into the expediency of abolishing Sinecure Offices.—The Chancellor of the Exchequer, after repeating the observations which he had made on the preceding day, moved the following Resolutions:—1. That this House will receive no Petitions for Private Bills after Friday, the 1st of February.—2. That this House will not receive any Private Bill after Monday, the 4th of March.—3. That this House will not receive any Report of such Private Bill after Monday, the 29th of April." The Resolutions were carried without opposition, and ordered to be printed.—The Chancellor of the Exchequer gave notice, that he would to-morrow move for the appointment of a Secret Committee, to consider the nature of certain salaries and pensions paid out of the Privy Purse previous to the filling up of one of the clauses in the Regency Bill. It would be remembered that much jealousy was felt on this subject on a former occasion; to avoid a recurrence of which, was his present object. He did not conceive the inquiry would be long; but if the Committee could not get through it to-morrow, the Report could be made on Friday, and engrafted as an Amendment into the Report of the Committee of the whole House on the Bill.—The Regency Bill was then read a second time, and committed for to-morrow.

HOUSE OF COMMONS.

Thursday, January 17.

[KING'S PRIVY PURSE.] The Chancellor of the Exchequer before the House should proceed to the order of the day for going into a Committee on the Regency Bill rose, pursuant to notice, to move for the appointment of a Secret Committee to examine into and report upon the state of his Majesty's Privy Purse. As he did not apprehend any objection would be made to his motion, he should proceed to move "That a Secret Committee be appointed to examine into, and to report upon what payments were ordinarily directed by his Majesty to be made out of his Privy Purse, and also what part of them it would be necessary to provide for during the continuance of his Majesty's illness."—The motion was agreed to; and after it was ordered that the Committee should consist of nine, the following members were nominated and agreed to by the House, the Chancellor of the Exchequer, lord Castlereagh, Mr. secretary Ryder, Mr. Adam, Mr. Ponsonby, Mr. Canning, Mr. Sheridan, Mr. Bathurst, and Mr. Wilberforce.

[REGENCY BILL.] The Chancellor of

the Exchequer having moved the order of the day for the House resolving itself into a Committee on the Regency Bill,

Mr. *Herbert* (of Kerry) expressed his wish to offer a few observations before the Speaker left the chair. After considerable deliberation upon his part, and an attentive consideration of the arguments adduced upon the former occasion by two illustrious gentlemen now no more, it was with the greatest difficulty he could make up his mind on this subject. As to the existence of any right in the Heir Apparent to the office of Regent, it was a proposition to which he could not accede; for a case might be conceived in which the Heir Apparent would be the most unfit person in the world for the situation. In the reign of Henry 2, his own son, the then Heir Apparent, was in actual rebellion against the government; would any one contend that in that case the application of such a doctrine would not produce the worst of consequences? As to the two modes of proceeding by Address or by Bill, he was induced, after much doubt and reflection, to prefer the latter under all the circumstances of the case. If the Prince of Wales were an only son, and if the Queen were not living, he would then have preferred the Address; but situated as things are at present, he thought that the proceeding by Bill was the least objectionable. With respect to limitations upon the power of the Regent, he approved of all those which went to provide for the full and immediate return of his Majesty to the throne, as soon as his health was restored, and he should be in a situation, to undertake the personal exercise of his Royal functions; but at a moment of such importance as the present; when every thing seemed to require that the power of the executive should be as complete as possible, he would not consent to lay further limitations upon the prerogative of the Crown. He was the more inclined to grant these prerogatives in this instance, from the past conduct of the Prince of Wales, who had never been known to assume a power to which he was not entitled, but, on the contrary, had conducted himself with the greatest humility. It was a notorious fact, that he was now only a Colonel in the army, and that at a former period his application for greater rank had been refused. Why it should have been refused was to him unaccountable. He knew of no case, from the days of Henry 3, in which any Prince of Wales was prohibited from great rank in the army. Henry the Fifth, when Prince of Wales, had high command; and Charles the Second, though very young at the time, was intrusted with high command in that situation also. From the view which he had taken of the character of his Royal Highness, the present Prince of Wales, it appeared to him, that the functions and attributes of royalty might with perfect security be trusted in his hands, subject only to such provisions as might be deemed expedient to provide for their resumption by his Majesty, when capable of the fatigues of Government. He concluded with expressing his agreement in the principle of the Bill.

Mr. *Whitbread* asked, whether it was the intention of the right hon. the Chancellor of the Exchequer to refer the Resolutions, upon which the Bill was founded, to the Committee? It appeared to him, that the Bill in some instances differed from those Resolutions, and he thought it of importance that the Committee should have an opportunity of comparing them, and ascertaining that fact. With this view he should move, if the right hon. gent. had no objection, That the Committee should be empowered to take into its consideration the joint Resolutions of the two Houses of Parliament, upon the subject of the Regency.—The motion was agreed to.

The House having resolved itself into a Committee on the Regency Bill, Mr. Lushington in the Chair, the first clauses were immediately agreed to.

On that part of the third clause respecting the signature to be substituted for the Sign-Manual being read,

The *Chancellor of the Exchequer*, as this clause had not made a part of the former Bill, felt it necessary to explain to the Committee the grounds upon which it had been introduced into this. As the former Bill was worded, it was doubtful how the Regent was to sign any instruments to give them validity: whether he was to sign in the King's name, in his own name, or in the King's name by his own. The former Bill, too, required the signature to be in words at length. This clause, then, was introduced for the purpose of removing any doubt on the former head: and as there were many and multifarious documents waiting to be signed, it was thought desirable that the labour of the Regent, in applying the royal signature, should be as much abridged as possible, and consequently the initials G. R. by G. P. R. were substituted for the names at length. It was deemed necessary, too, to provide in the act itself for the validity of such signature, in order that no doubt on the subject should operate upon minds such as Mr. Larpent's, or others. These were the grounds for the introduction of the clause; but he should be happy to attend to any suggestion or amendment which might come from the quarter most interested in the provision.

Mr. *Adam* had no objection to the course pointed out by his right hon. friend, for the reasons he had stated; subject, however, to an understanding, that if any thing should occur afterwards to render any alteration in the clause desirable, the amendment might be made in the report.—The clause was then agreed to, and a small t. after the last R. was ordered to be omitted.

The Fourth Clause, providing for the continuance of persons holding offices or places by appointment or authority from his Majesty in office or place, until the Regent should signify his pleasure to the contrary, being read,

Mr. *Whitbread* wishing to know why such a clause was introduced?

The *Chancellor of the Exchequer* said, that as it was thought necessary to provide that the appointments made by the Regent should be continued until countermanded, so it appeared right to make a similar provision in the case of these appointments.

Mr. *Ponsonby* had no doubt that the clause was unnecessary. Besides, it would have the effect of making an impression, that the incapacity of the Sovereign would have the same effect as his natural demise upon all offices of that description. The Bill, he thought, would stand better without the clause.

The *Attorney General* agreed that the clause was unnecessary, and it was then negatived.

The Fifth Clause, providing for the resumption of the personal exercise of the royal authority by his Majesty, being read,

Mr. *Whitbread* objected to the commencing expressions as too loose and general. The words he noticed were, "When his Majesty shall be restored to such a state of health as to be capable of resuming the personal exercise of the royal authority, and shall have declared his royal will and pleasure thereupon." Those he believed were not exactly the words adopted in 1789; but if they were, the House and the country did not stand in the same situation with respect to his Majesty now as then. If those were the words adopted at that period, undoubtedly the meaning was, that his Majesty would not resume the functions of royalty, until he was restored to a state of mental health. But what was the fact now? They had it in evidence from the physicians, that the functions of government were carried on when his mental health was not restored. He hoped that the Committee would be prevailed upon by this circumstance to adopt words more distinct and definite. He therefore would propose, that the expressions as they now stood, should be omitted for the purpose of introducing the following: "When his Majesty shall be restored to a full state of mental health, so as to be capable of undertaking the personal exercise of the royal authority."

The *Chancellor of the Exchequer* said, that he was not at all convinced by the arguments of the hon. gent. of the necessity of his amendment. He had first said that the words were new; but in that he was mistaken, having probably looked at the printed bill, and not at the bill as it was passed. He believed that it went out of that House with other words in the clause, but was amended by the Lords, in the manner in which he had now introduced it. The period for discussing this question, would, as he apprehended, be that when the clauses were brought forward, directing the circumstances of his Majesty's resumption of the royal authority, and regulating the mode. The hon. gent. had said that the House and the country were placed in a different situation now from that in which it stood in the year 1789. He would deny that proposition; they stood now as they stood then, upon the law and constitution of the country; and that law and constitution provided, that if his Majesty was restored to a state of health, he was King. It was right to prescribe something as to the form in which the notification of his Majesty's recovery should be made known to the public; but when he was restored to health he was King to all intents and purposes. They were precisely in the same situation as in 1789. As to what had been said upon the evidence of the physicians, that evidence might furnish an objection to the conduct of ministers, but could in no way affect the principle of his Majesty's resumption of his prerogatives on recovering from his illness. Such resumption was a matter of course.

Mr. *Whitbread* said he did not deny that when his Majesty was restored to mental health, he should be restored to his authority; but he would say, that he ought not to be restored to authority until he was restored to health. When he considered the conduct of ministers, from the year 1789 down to the present moment, he saw the necessity that existed for speaking plainly and explicitly upon this occasion. Did the hon. gentleman mean to say, that from the year 1789 down to the present moment, the kingly functions were not exercised when his Majesty was not in a state of mental health? The Bill which he had seen was not the printed bill, not the bill as it was first brought into the House, but the amended one, as it had passed both Houses; and he rather thought the words introduced by the right hon. gentleman were not to be found in it.

The question being then put, the Amendment was negatived without a division.

Lord *Milton* proposed that the word "resumption" should be substituted in the place of "declaration," in the same clause; but said he only threw it out as a suggestion.

Mr. *Ponsonby* thought it better that the word resumption should be adopted, and wished the right hon. gent. would consider of it.

The *Chancellor of the Exchequer* said, that the words were easily intelligible without any such alteration. The clause stated, "when his Majesty shall be restored to such a state of health, as to be capable of resuming the personal exercise of his royal authority, and shall have declared his royal will and pleasure thereupon, as hereinafter provided." The provision to which this referred, was the calling of a Privy Council by his Majesty, to whom the declaration was to be made, and not the Queen's Council.

Mr. *Ponsonby* doubted whether the clause was worded according to the meaning it was intended to convey. He therefore wished, that the consideration of it should be postponed, that they might have an opportunity of considering it more maturely.

The *Chancellor of the Exchequer* did not think such postponement necessary, especially when it was considered what inconvenience it would occasion.

Mr. *Ponsonby* said, that the clause referred to an authority which was not yet determined on; the Regent's powers were not yet decided, and the introduction of such a clause in such an order, was rather singular, if not improper.

Mr. *Adam* agreed, that the postponement of clauses was attended with great inconvenience, but if the present clause was postponed to another part of the bill, that would be no reason for their doing it in another instance. It was now proposed for the sake of perspicuity. When his Majesty was in a situation to resume his functions, he should do so; but it was premature to introduce a declaration to that effect there, when the clauses prescribing the form of resumption were not yet decided on. Upon these grounds he agreed in the suggestion of postponement.

Mr. *Yorke* maintained that great inconvenience would necessarily follow from the postponement of the clause, nor did he see any weight in the arguments advanced in favour of it. The words referred distinctly to a subsequent clause, so that the objection as to the order in which it stood was not conclusive. The bill itself contained four heads of provision, and this came properly under the head of the powers to be given to the Regent.

The Clause was then agreed to.

The Sixth Clause, providing, That all persons holding offices or places under the appointment or authority of the Regent, should continue to hold them, notwithstanding the resumption of his royal functions by his Majesty, until his Majesty should declare his royal pleasure to the contrary, being read,

The *Chancellor of the Exchequer* moved, that the word "Pensions" should be inserted after the word "places," which was agreed to.

Mr. *Wynn* suggested the introduction of the words, "her Majesty" in the beginning of the second section of the fifth clause, to correspond with the wording of the latter part of the same section, where the words were actually inserted. The amendment was agreed to.

The Seventh and Eighth Clauses were agreed to.

The Ninth Clause, declaring, "That the said Regent shall be deemed and taken to be a person having and executing an office and place of trust within England, and shall take and subscribe such oaths, and make and subscribe such declaration, and do all such acts as are required by the laws and statutes of that part of the United kingdom called England, to qualify persons to hold offices and places of trust; and to continue in the same in such manner as in and by the said laws and statutes are required, and under such pains, penalties, forfeitures, and disabilities, as are therein and thereby appointed and ordained," being read,

Sir *Samuel Romilly* rose and stated, that he considered this as the most objectionable part of the whole Bill. The effect of this clause—an effect which he did not suppose was in the contemplation of the framers of it—would be to make the Regent a responsible officer. If the Regent were, as stated in the clause, to be taken and deemed to be executing an office of trust, he must be equally liable to responsibility for the due discharge of such trust as any individual appointed to execute any trust in the community. It was unnecessary to oblige the Regent to take such oaths and declarations respecting his religious principles, &c. which must be sufficiently well known, as subordinate officers in the state. If the Committee were to agree to this clause, they would, in effect, alter the government. The supreme executive magistrate of this country was responsible only by his advisers; and to make the person filling that exalted station personally responsible, however it might appear a better form of government to theorists, would be to subvert the constitution of this country. He felt it necessary to draw the attention of the Committee to this clause, because he remembered the right hon. gentleman opposite on a former evening adverting to the maxim, "that the King could do no wrong;" and an hon. friend near him immediately adding, that neither King nor Regent could be constitutionally responsible. It would be a monstrous circumstance, if the Regent, on the recovery of his Majesty, were to be liable to an information by his Majesty's Attorney-General for not having properly executed the trust confided to him. The Sovereign held an office of trust, but he was not responsible; the Regent should be placed upon the same conditions in his office. The Committee would, he trusted, excuse him for calling their attention to this clause, upon which he felt so strongly as to the effect it would have in making the Regent personally responsible. He had not received a copy of the Bill till about an hour previous to his entering the House, or he should have made a communication of his sentiments upon this clause to several members. He had felt it his duty to state his opinion, and he left it to the Committee to decide how far it was well-founded.

The *Chancellor of the Exchequer* said, that he had been studious to preserve as much as possible the words adopted in the bill of 1788, not from any partiality to those particular words, but that it might not be said he wished to introduce any alteration. With respect to the clause now objected to, he must say, the same qualification of the Regent for an office of trust was introduced in the 5th of Geo. 2. section 12, and also in the 24th of Geo. 3. The question of responsibility ought to be made the subject of a future particular enactment; but, for the present, he must deny that there was any clause in the bill, as had been stated, which had the monstrous tendency of taking responsibility off the ministers of the Regent. They were considered precisely in the light of the King's ministers, and of course liable to the same responsibility. It might be a question, whether any subject raised to the rank of Regent should be responsible; but the solution of this question certainly did not go to free the ministers of the Regent.

Sir *T. Turton* thought the hon. and learned gent. who objected to this clause to be perfectly right. He could not avoid here alluding to an assertion of an hon. and learned gent. opposite, who had said, that in the history of England there was no such name as that of Regent; when in the 12th and in the 19th of Edward III. mention was made of two Regents unrestricted. He stated this to shew that we were not, as had been said, creating a new office.

Mr. *Henry Smith* was of opinion, that there should be a distinct clause concerning the responsibility or irresponsibility of the Regent.

Mr. *Tierney* thought the clause was directly different from the Resolutions of the two Houses. In the Resolution it was stated, that the Regent was to have the prerogatives of the King; and they were now by the Bill imposing oaths on him: [here sir Samuel Romilly whispered 'Excise Oaths,']. aye, oaths which placed him in the station of an Exciseman (Hear! hear!) If they really meant to do this, they had better at once frame a new Address to his Royal Highness, declaring their intention, and stating the terms on which he was to accept the Regency. The Resolution spoke to him in pompous, high sounding terms, and then the Bill went to level him with the lowest office in the land. The Regent was mentioned in the clause merely as "a person;" a phrase which no man could have supposed would have been applied to the Prince of Wales, Heir Apparent to the throne and a Privy Counsellor. He thought it would be well if the right hon. gent. considered, before he introduced this clause dwindling the Regent down to the holder of a mere office of trust.

The *Chancellor of the Exchequer* rose with some warmth. He very little expected, copying (as he had done) the words of the clause from the Bill of 1788, that he should be accused of attempting to degrade the Prince of Wales, or level the office of Regent with that of an exciseman. Surely, no unprejudiced person who heard him could possibly think of branding him with such an imputation. The right hon. gent. had said, that it would be well if he had not introduced oaths into the clause, which went to dwindle down the Regent into the mere holder of an office of trust. It would be well, however, if the right hon. gent. was to read the clause upon which he chose to comment! it would be well, also, if he would form an opinion upon considering what he had read! and it would be well, also, if he did not thus expose himself, by censuring as performed what never was even intended. (Hear! hear!) The clause was introduced into this Bill because it was found in the Bill of 1788, and not with any particular idea of making the Regent an officer of trust. The right hon. gent. had also thought proper to declare that the oath of such an high officer as the Regent ought to be dispensed with. "Oh, says he, it is degrading the Regent;" and then, with an hint from the learned gentleman beside him, "it is making an Exciseman of him." Why, was this candid? Was this fair? Because the low officers of the nation took oaths, was it therefore to be stated that an oath had been imposed upon an higher one merely to degrade him? The King himself took oaths, and it could not possibly be considered as a degradation to the present Prince of Wales, in tendering him an office, to do as our ancestors had always done in similar circumstances. He had no idea whatever of degrading the Regent; he must, at once, disclaim it; and he was sure that every one who had been attentive must see that his disclaimer was well founded (Hear! hear!) If the wording of the clause was supposed to throw any responsibility on the Regent, he was willing to use other words; but he had merely used the form which had been adopted over and over again.

Mr. *Ponsonby* thought all the objections might be remedied by the omission of certain words of the proposed clause; and, he was certain, if such words might be omitted out of a clause relating to any Regent at any time to be appointed in this country, they might safely be omitted in this case, where the person proposed to be appointed was the Heir Apparent to the crown, and of full age. The words he should propose to omit were the following—"shall be deemed and taken to be a person having and executing an office and place of trust within England, and——." The omission of those words would do away the inference of responsibility, as applicable to the person of the Regent, which they were calculated, while they remained in the clause, to produce. The right hon. gent. seemed to impute consequence to those words, and even to allege that they must be proper, because they had appeared in a bill introduced in the year 1789. But, perhaps, these words might have escaped observation at that time, in consequence of there not being then in parliament any person possessed of the acuteness, and of the legal and professional knowledge of his hon. and learned friend (sir S. Romilly.)—(Murmurs on the ministerial side of the House.) Gentlemen might murmur; but he did not esteem it a disparagement to any man, to say that it might so happen that there might not be in the House of Commons, at the period to which he alluded, a man of the same acuteness, and of the same general and extensive professional skill and knowledge, as his hon. and learned friend; and that it might be owing to this circumstance that the clause appeared in that bill in the objectionable shape in which it now stood, and in which it had been introduced into the present bill. As to taking the necessary oaths, he was satisfied the Prince of Wales would have no objection, and he (Mr. Ponsonby) should have had the less objection to the introduction of such clause, had the Regent proposed to be appointed been any other than the Heir Apparent. He should propose to omit the words he had before read, by which they would leave the question of responsibility untouched.

Mr. *Rose.* In the time of Henry VI, the act restricting the duke of York did impose the same Restrictions on the Prince of Wales, in case he came to years sufficient to take upon himself the Regency. The right hon. gent. denied this.

Mr. *Ponsonby.* I denied no such thing. I said that there never was an instance in this country where the Regency fell upon a Prince of Wales, of full years, resident in the country. In the time of Henry VI. the Prince of Wales never was Regent; and those restrictions were imposed by his competitor for the crown: a man who involved England many years in blood and desolation. Are those times whence the right hon. gent. wishes to draw a precedent?

Mr. *Rose.* Even with an army at his back, the duke of York was obliged to submit to the Restrictions. This shews the jealousy of our ancestors with respect to our Regents.

Mr. *Ponsonby.* No such oaths as these were introduced into the Regency bill of Henry VI.

The *Master of the Rolls* said, as he could not distinctly see the sense and meaning of the words proposed to be left out, he was for agreeing to the omission of them.

Sir *S. Romilly* assured the right hon. the Chancellor of the Exchequer, that he did not mean seriously to impute to him any desire of insulting his royal highness. He had referred to the exciseman's oath, simply with the view of pointing out of what description the proposed oaths were, and which, in his opinion, it was not desirable that the Prince of Wales should be required to take. It was well known that they were become useless; that the one half of those to whom it was already prescribed to take them did not take them; and that an act was passed annually, indemnifying all who omitted to do so. Were they, then, to impose this oath on the Regent without cause, and to tell him that the omission of taking it subjected him to the forfeiture of his office? He could not suffer, however, that any doubt should remain as to the nature of the constitution under which we lived; which must be the case if it was left in uncertainty, whether the Regent was to be a responsible or an irresponsible person. Was not the first Clause in the Bill conclusive on this subject? Did they not commit the administration of the royal authority, during his Majesty's indisposition, to be exercised in his name by the Regent? And was that not a part of the prerogative, the most important in itself and in its consequences to the country, that the King can do no wrong? He was surprised to have heard it questioned, that this should equally apply to any person invested with the royal prerogatives; and he thought it essential that the House should learn the sentiments of the King's law officers on the subject, and if this was their opinion. His own opinion was decided, that the King could do no wrong; he was, of consequence, also of opinion, that some person or other must be responsible for any act which might be done; and, if this Clause now objected to should be struck out, he had no doubt that the responsibility could not be supposed to attach to the Regent, but to those servants who might be employed under him. If others should be of a contrary opinion, according to his view of the importance of the question, he thought the best thing the Committee could do, would be to postpone the Clause, to give them more time to reflect before they sanctioned a doctrine quite new, and unknown to the constitution.

Mr. *Stephen* should have been of opinion with the hon. and learned gent., that the words proposed to be omitted should be left out of the Clause; but when he heard it contended, that, to the whole extent of his acts, the Regent must be held completely irresponsible, he must declare that he was of a very different opinion, and it would give him great uneasiness to see such a doctrine lightly treated in the Committee. He admitted that a chief magistrate could not be punished while he continued in office; and that, as in the case of a governor of a colony, he was irreponsible till the dissolution of his trust. But was it ever heard that he was irresponsible at the time of his leaving his government? So, he was of opinion that a Regent would become responsible for his acts, at the termination of the Regency. That after the sovereign authority was reinvested in his Majesty, the Regent would not be responsible for abuse of his power during the time of his Regency, was what he could not admit.

Sir *Arthur Piggott,* encouraged by the dispassionateness of the Committee, hoped he should be excused for offering another mode of amending this Clause, or rather of amending the Bill itself; and that was, by omitting the Clause altogether. He should submit, that that was the only proper mode of getting rid of the important question which it involved. However absurd, indecorous, unfit, or misplaced, it might be in the Bill of 1788, there could be no impropriety in throwing it out of the present one. Immediately preceding this Clause, the oath of office prescribed to the Regent before he entered upon his office was stated; but here it was said, "that he shall take and subscribe such oaths, and make and subscribe such declarations, and do all such acts as are required by the laws and statutes to qualify persons to hold offices and places of trust, under certain pains and penalties, forfeitures, and disabilities." These words coming after the oath of office prescribed, he thought, were totally unnecessary, and he would recommend to introduce in the preceding Clause the words "And to take before his Majesty's most honourable privy council all such oaths, and subscribe all such declarations as are introduced into this Clause;" stating previously the particular oaths and declarations which the Regent shall be required to take and subscribe. What were the particular oaths and declarations required of the Regent did not appear from any of these Clauses. Was it intended that the Prince should take advice upon this subject, in order that he might not incur pains and penalties? Was this a proper way to hold up that public officer to public notice? Surely the Regent ought not to be so dealt with. He was not against introducing any or all of the usual oaths, such as the oath of allegiance, abjuration, affirmation of the King's supremacy, and the declaration of transubstantiation; but only he wished them to be introduced and particularly specified and taken before the Regent assumed the office. Instead of this, only one oath was particularized and prescribed; and he would wish to know whether, if the Prince did omit to take the others, which were only hinted at, they meant that a *Qui tam* action was to be brought against him by any common informer? or if they meant any thing, did they mean that he was to be disabled, or incur forfeitures; should he by any accident omit taking oaths mentioned in some other acts not specified? He did not impute the mode of wording this Clause to any disrespect to the Regent, for he did not think it was above any person to take oaths. Even the King took oaths that were specified in a statute; but if they were to give to the heir apparent the power of a Regent under restrictions, they ought not to treat him this way, and subject him to forfeiture. He apprehended, therefore that the true way of treating this subject was to tear out this clause, and to specify in the preceding one the particular oaths which ought to be taken. All the oaths incumbent on the King were taken at one and the same time, and previous to his being invested with his office. These being his sentiments of what ought to be done, it would be necessary, in point of form, that he should move "That the whole of this clause be left out."

The *Chancellor of the Exchequer* said, he was perfectly ready to agree to the first Amendment; but he should regret much if they should leave out the whole of a clause which had uniformly pervaded our statutes upon this subject.—If from what had fallen out upon this clause there should exist much doubt upon the subject, he should have no hesitation to postpone its further consideration to another occasion; but he should feel very great reluctance in departing from the principles laid down in former statutes upon similar subjects.

Mr. *Ponsonby* observed, that it would be better first to negative the Amendment, and then propose to leave out such words as related to pains and penalties. When these were struck out, he should propose to postpone the clause, for the purpose of considering whether or not it should substantially stand as it then was, or to adopt the specification of oaths, as suggested by his right hon. and learned friend.

Mr. *Bathurst* said, he should rather agree to the clause being left out at present, in order that the House might have an opportunity of re-considering it, as what had been said upon the subject of it had had considerable weight upon his mind. It appeared desirable that they should not come to any party decision upon this point, but consider it in a more solemn manner. If they left out this clause, then they must prescribe the oaths to be taken, and these oaths must be such as qualify persons to hold offices in trust. If the Regent be a person who holds an office in trust, there was reason in stating that he should take such oaths as those alluded to; and he thought it would be better that the oaths should be specified; but he should not propose to accompany them with penalties, for the oaths being prescribed would be sufficient.

This Clause and the following were then postponed.

The Tenth Clause fixing the period of

the duration of the Limitations and Restrictions being read,

The *Chancellor of the Exchequer* moved, That the first blank be filled up with the words "first of February, 1812."

Mr. *Adam* said, that if he understood the object of the right hon. gent. the blanks to be filled up were of two kinds, the one fixing a time for the continuance of the Restrictions, and the other a prolongation of that period after the time first fixed should have expired. He begged the right hon. gent. would give the Committee to know how the clause would stand after all the blanks had been filled up?

The *Chancellor of the Exchequer* stated, that agreeably to what he had formerly intimated, he should propose that the Restrictions specified in this clause should continue for the space of a twelvemonth after the 1st day of February next, and therefore the first blank should be filled up with the words "1st February 1812," if Parliament shall be then assembled, and shall have been sitting for "six weeks" immediately previous to the said first of February 1812. This was not for the purpose of giving an addition to the time, but in order to secure the sitting of Parliament six weeks previous to the expiration of twelve months. He had stated his object on this point, and he had no objection to do it again. He had shewn from a reference to what were the durations of his Majesty's former illnesses, and the examinations of the physicians, that the period of twelve months should be given as a reasonable time for his Majesty's recovery; and he trusted that from all these considerations the Committee would not think that period too long. He thought it expedient that six weeks should be secured for Parliament sitting, that they might have an opportunity of giving some consideration to this subject before the expiration of the Limitations, as his Majesty might happen at that very period to be so near a state of recovery, as only to require a little further time to complete his capacity of resuming the reins of government himself.

Mr. *Ponsonby* observed, that it was extremely natural that the right hon. gent. should endeavour to induce the Committee to agree to fill up this clause in the manner he proposed, because that right hon. gent. thought it would be improper to intrust the Regent with the Royal Authority without Restrictions and Limitations; but to those who thought there would be no danger in intrusting the Prince of Wales with the full powers of the crown, this mode of filling up the blanks would not be thought beneficial or advisable. In his apprehension, there was no necessity that the period should expire when Parliament was sitting. Did the right hon. gent. conceive that the Regent was to exercise his authority for the purpose of embarrassing his Majesty's government, or to make his Majesty's resumption of his authority difficult? If the Chancellor of the Exchequer thought the Prince of Wales capable of such base practices as these, he ought also to consider that it would be wholly out of his power to accomplish it.—For his part he should feel the strongest reluctance in agreeing to what the Chancellor of the Exchequer proposed, because in his judgment, to make Parliament re-consider the subject and deliberate upon it, would be to expose the government in the hands of the Regent to difficulties which he should not describe at this period. Although he felt a very strong indisposition now to enter again into the general argument as to Restrictions, yet he entertained a confidence that the Committee would not impose them for so long a period as was now specified by that right hon. gent. and he should therefore move an Amendment, that after the word "until," down to "the Regent," should be left out, for the purpose of inserting these words—"Expiration of six calendar months from the day of the passing of this Act."—Upon the question being put "That these words stand part of the clause"—

The *Chancellor of the Exchequer* stated, that he agreed with that right hon. gent., that the subject of Restrictions had been already so much discussed, that no novelty could be now introduced upon the subject in debate: but he would state very shortly why the Amendment proposed could not be agreed to. He united with the right hon. gent. also in thinking that those who were against any Restrictions at all, would wish the time to be as short as possible; but those who thought it would be proper to impose Restrictions would be for a longer period: then it followed, that those who had voted for imposing any Restrictions at all, would be for adopting a reasonable period for their continuance. The House had that clause now in a narrower state than when they first adopted it: they had now the opinion of the House of Lords that the Restrictions should be unqualified, which shewed that the Restrictions should operate in their full force. This could be for no other purpose than that the King should be enabled to resume the government as he left it; and if so, the restrictive clause must be introduced in a manner and upon a principle that would cover this fond and reasonable hope, that his Majesty would be able to resume his functions. As for his own hopes upon this point, he confessed they were much more ardent and sanguine for a shorter period than that which the right hon. gentleman had stated as his opinion upon it. Was it or was it not decent or respectful, or even delicate, he would ask, to run to a mere measure of days, weeks, or months, upon the subject, as to what time it might please God to restore his Majesty from his severe affliction? Were they to adopt the period now suggested, they would fall short of the period to which they had already known his Majesty's calamity to have formerly lasted. They were taking into the account the period that was already passed, namely, nearly three months of his Majesty's indisposition, added to the six months during which his Majesty formerly continued indisposed; but although the physicians were of opinion that the radical strength of his Majesty's constitution was not impaired in consequence of his age, yet he might rather be longer on that account in repelling his calamity than he was twenty-two years ago. Allowing that to be the case, would they not take that circumstance into view, since parliament had thought it proper to impose restrictions. Add to this, they had not yet experienced what effect the establishment of a Regency might produce upon his Majesty's feelings, when by the interference of Providence his health might be re-established. Formerly his Majesty had recovered before he had found his government altered by any legislative provision. He trusted in God that it would have no such effect as to retard his recovery. Upon his Majesty's recovering his mind, still there might be difficulty in comprehending what had been done, and by what means he was to resume his powers; and, indeed, it might reasonably be supposed impossible that those things would not retard his progress, when once reason had re-established itself. Then, if under other circumstances, and without any change in the constitution of his kingdom, they had found his Majesty's disorder lasted for the period they knew it to have lasted, was it not material that they should allow a more extended period than that which the right hon. gent. proposed? The expiration of six months would bring them to the beginning of August, a period when parliament would not be sitting; although on account of the shortness of the period, there was the greater necessity for parliament being sitting at its expiration. If the limitation had been for three years, as in the former bill, there might not be this necessity. Were the right hon. gent. to propose three months, instead of six, would any man say that there was no occasion that parliament should be sitting, but that that period should be final? He thought that were it to be for six months, it would be particularly necessary that parliament should be sitting at the expiration; but would it not be most inconvenient to keep parliament sitting in the month of August in expectation of that expiration? Upon the whole, he trusted the Committee, considering all the circumstances attending his Majesty's melancholy disorder, would not consider the period of a twelve-month too long for the continuance of these Restrictions; and that the period of six weeks during the sitting of parliament was absolutely necessary to enable them to determine what ought to be done, according to the circumstances existing at the expiration of the period he proposed.

Mr. *Whitbread* agreed that much new light could hardly be expected to be now thrown on the subject; but at the same time, when the right hon. gent. had made a warm appeal to the feelings of the Committee, in his usual way, he thought it right again to appeal to its judgment. The right hon. gent. had fallen into his common error of using an argument which proved too much; for if the appointment of a Regent would endanger the King's recovery, this would go to prevent any proceeding upon the subject at all. The right hon. gent. would propose to allow matters to remain quiet while he and his colleagues exercised the Royal powers which they had assumed, without any steps to supply the defect in any other manner. If they took the first step, where were they to stop? The King's recovery might be retarded by their proceedings, and, according to the argument of the Chancellor of the Exchequer, they ought to sit still and do nothing. He talked o the two Houses having agreed upon the question of Restriction; why he must know very well that the Restrictions were at first negatived in the House of Lords; and that as to Peerages only carried, at last, in consequence of the exception in the case of Naval and Military affairs having been given up. The right hon. gent. had treated that exception, while the Resolutions remained in the House of Commons, as a point of the most vital importance; but now, when he had failed in carrying it he affected to think lightly of the matter. This reminded him of the fable of the Fox and the Grapes. The right hon. gent. had repelled the charge of insulting the Prince of Wales; but what had he been doing that night? He talked of protecting the King; against whom was he to be protected? Against the Prince. Why then it was assumed that the Prince intended to embarrass the government of his father, and to abuse the prerogative entrusted to him in such a way as to retard or prevent his Majesty's recovery. The parliament, said the Chancellor of the Exchequer, ought to be sitting at the time when the limitations expired. Why? He (Mr. W.) contended that, if the subject was again to be brought under review, it would expose his Royal Highness to the additional mortification of hearing again of the necessity of these degrading restrictions. Did he think it desirable to have this subject again discussed in parliament? If the period of three months were proposed, the same parliament, said the right hon. gent. would probably have to take up the matter again. Did not the right hon. gent. recollect that the Regent would have the power of dissolving the parliament? He trusted that neither he nor his ministers, whoever they might be, would resort to that expedient; but there was a man in the House, who would not scruple to dissolve parliament if it happened not to suit his purpose (hear! hear!) Why, then it would not follow as a matter of necessity that the subject should come before the same parliament. But he talked of the protection afforded to the King by the restriction as to peerages; why did he not extend his restriction to the creation of baronets? His principle would go that length; and though he himself had created baronets in great numbers, yet this power might be turned against the King as well as the creation of peers. The right hon. gent. had not convinced him that any restriction was necessary; he could not conceive how protection should be wanted: but if there were to be restrictions at all, it was desirable that their duration should be as short as possible.

Mr. *Canning* observed, that if the Restriction as to Peers had a reference to the time when no hopes could be entertained of his Majesty's recovery, he should consider the longest period proposed as not long enough. If that was the light in which the Restriction as to peerages was regarded, why not pass the Bill without any limitation in point of time? But the precedent of 1789, for a Restriction of three years, had no reference to the duration of his Majesty's illness, but its object was to prevent the House of Peers from obstructing any alteration in the Bill that might be found necessary. He could now more confidently speak on that point, after having had the advantage, which the ministers might also have had, of conversing with a member of the then cabinet, the nearest in blood to the author of that Bill. If then the creation of Peers by the Regent was to be suspended, till all hope of his Majesty's recovery was lost, he said that a year was not the proper period, that no limitation of time at all ought to be fixed, but that the matter should be left to future Parliaments to act as the necessity of the case might require. But he was aware that many felt it to be right that there should be some difference between the case of a devolution of the Royal dignity and that of a Regent created by Act of Parliament; between a demise of the Sovereign and that of a temporary incapacity: and that for a time, therefore, this splendid prerogative of creating peers should be withheld. He had already given it as his opinion that the power ought not to be suspended at all in the present circumstances; but if there was to be a suspension he thought the shortest period the best.—But he was adverse to the longer period, accompanied with the six weeks, on another principle, for then the matter would again become subject to parliamentary investigation. Now he did think that one of the main arguments in favour of the proceeding by Bill was, that the exercise of the royal functions would thus be settled once for all. If the Regent was subjected to the disadvantages of this course of proceeding, he ought also to have the advantages, without having the *onus* put upon him of contending about the termination of the period of the Restrictions. Such an argument might be held invidious in him and his ministers, and they ought to avoid placing them in such a situation. He objected then to the longer period; but if the Restriction could be supposed to refer to the duration of the King's illness, it ought to extend through the whole of his Majesty's life. The Restriction in 1789 had no such reference, nor ought this to be regarded in that view. He thought it desirable to avoid any future parliamentary investigation, and concluded by declaring his preference of the Amendment, as fixing a shorter period for the duration of the Restriction.

Mr. *Bathurst* said, that what had fallen from the right hon. gentleman who spoke last, did not shew that the present mode of proceeding militated against the precedent of 1788 itself, but against the view taken of it by one who was at that time occupied in the production of that measure. But he (Mr. B.) thought it necessary to form his opinion on the circumstances of that time. His Majesty was then afflicted with a malady new to his person; and the circumstances were new to the constitution. It was then determined that restrictions should be imposed on the Regent; but the great man then at the head of the government did not introduce any limitation as to time. He left it intirely to Parliament to act under all the circumstances of the case. And it was then observed, that the House would depart from its original intention, if it imposed restrictions, without also specifying a limitation. The reason assigned for this was, that, at a future period, the House of Lords might refuse to give up that which the act had conceded to them unlimitedly, and which was a point greatly desired by them; namely, the preventing an increase of their numbers. It was afterwards stated that some definite term should be appointed, and then three years were mentioned. But no one contended that that time should be the ultimate period: no, it was left to the wisdom of Parliament: and if, at any time, the physicians had come forward, as medical men, and declared that his Majesty's situation did not admit of any hope, Mr. Pitt, without doubt, would have been obliged to have provided for such an occurrence. They had, in the present instance, the experience of former illnesses; and that experience had taught them, that the longest period during which his Majesty had been afflicted by this species of malady, had not exceeded six months. On that principle he thought it right that the limitation should be for at least a year. It had been said, "if a limitation be at all introduced, let it terminate only with his Majesty's life;" but he could see no necessity for such a proceeding, since it was always in the power of Parliament to provide for any emergency. Some members had asserted, that the House exercised this power of imposing restrictions, merely for the purpose of shewing that they possessed such a power; but he thought the assertion extremely absurd. He had always understood, that the true motives which influenced them were, to keep the regal authority entire, so that his Majesty, on his recovery, should find his prerogatives whole and undiminished. The only novelty which he had observed in the speech of an hon. gentleman (Mr. Whitbread) was, his remark relative to the peerage: to place baronets in the ranks of the peerage, he thought so contrary to common sense, that the observation scarcely deserved notice. With respect to any jealousy entertained of the Prince, although much had been spoken on the subject, he had heard no argument proving any such thing: nor did he believe a feeling of the kind existed. He objected to the Amendment for a limitation of six months; because at the expiration of that time it was very unlikely that Parliament would be sitting, and ready to take cognizance of what had been done. In speaking of the term to which the Limitation should extend, it was impossible to point out a time to which some objection might not be applied; but looking at the business in a general point of view, he thought 12 months a very proper period for its termination; particularly as provision had been made for the sitting of Parliament at or about that time.

Mr. *Whitbread*, in explanation, said, he was very well aware that the rank of a baronet was inferior to that of a peer. It had been said, that restriction on the prerogative of the peerage went to prevent its being made use of for the purpose of procuring Parliamentary influence. And he was sure the right hon. gentleman had too much knowledge of the world not to be perfectly aware, that Parliamentary influence was sometimes purchased by a Baronetcy; nay, he believed, even the rank of Privy Counsellor was at times found a sufficient remuneration for a portion of such influence—

Mr. *Bathurst* did not conceive the latter remark applied to him as a Privy Counsellor, and he hoped the hon. gentleman had not intended to make such an application.

Mr. *Whitbread* stated, that, at the moment he spoke, it was not in his contemplation that the right hon. gentleman was a Privy Counsellor. He certainly did not intend any personal allusion; the right hon. Gentleman, no doubt, was worthy of the honour which had been conferred on him; and his advice, he sincerely believed, would be of great benefit to the council.

Mr. *Tierney* wished to make one observation. There was no security against the Regent in this long period of Restriction that might not be attained by the ordinary forms of the House. The right hon. gent. had said, that if the Limitation of six months was agreed to, it would expire at a period when parliament would not be sitting, and, that the Prince might then create peers before parliament could determine, whether or not the Restriction ought to be continued. This certainly did convey an improper imputation on the Prince: but the parliament would probably sit for four or five months, and if at the close, any member should think that the Restrictions ought to be continued for a longer period than six months, he might move for leave to bring in a Bill to extend their duration. This would be the best course, if consistent with the forms of the House.

The *Chancellor of the Exchequer* said, that no other bill could be admitted on this subject in the present session, without a special clause in this bill to authorise it. But he begged of the Committee to consider how this proposal clashed with the argument of the right hon. gent. under the gallery (Mr. Canning.) The one deprecated all future parliamentary investigation on this subject; the other made a proposal which almost necessarily led to a reconsideration. Was this the way in which they agreed in their opposition to the limitations which he had suggested? So much had been said on the subject of disrespectful conduct towards the Prince, that he must again repeat, it was not constitutional to suppose, that the Restrictions were imposed and aimed against the person of the Prince, but as of necessity on the Regent. What had been proposed by ministers, was proposed on general principles, not at all with the intention of reflecting on the character of the illustrious person. It was unjust and unfair to use the sort of argument which gentlemen on the other side had used.

Mr. *Fuller* said, the opinions given by his Majesty's physicians, were distinctly these; that at the end of twelve months they might consider the King's recovery hopeless, and he would then, and not till then, look upon it as a lost case. He did not care who heard him speak, or who doubted what he felt; but he would support his King, although afflicted with insanity—that his crown might be restored to him in safety. He would stand by his sovereign to the last.

The cry of "Question" now became general, and strangers were ordered to withdraw. The House then divided, when there appeared—

For the Amendment	184
Against it	160
Majority	24

On our re-admission into the gallery, we found Mr. Tierney on his legs, inquiring whether it was intended to restrict the Regent from granting an additional step in the peerage, to a person already a peer, as well as from creating new peers?

The *Chancellor of the Exchequer* thought the clause was in conformity with the Resolutions of the two Houses; and he was sure it would not be contended, that the altering the rank of individuals in the upper House would not have the effect of placing that House in a state different from what it was at the period of his Majesty's being attacked by his unfortunate malady. He could not see the slightest necessity for granting such a power, for certainly his incapacity to raise an individual, already a peer, to a higher rank in the peerage, could not annoy the Regent's administration.

Mr. *Tierney*, after observing that this prerogative, like all the other powers of the crown, were given in trust only for the general benefit of the people, reminded the right hon. gent. that he had on one occasion found it expedient to raise a noble baron (lord Harrowby) to an earldom. Why was this done, but because it was advantageous to the crown to do so? If it was necessary to strengthen the hands of government at one period, the same necessity might recur at another. The right hon. gent. might tell them indeed, that "it was thus in the Bill;" but, with his opinions on the whole of the Bill, this was not an argument to which he was disposed to pay much respect.

The Clause was then read and passed.

The 11th Clause, relative to the grant

of any Office in Reversion, or of any office, employment, salary, or pension, except those in possession, for the term of the natural life, or during good behaviour, was then read. The blanks, on the motion of the Chancellor of the Exchequer, were filled up, as in the preceding clause.

Mr. *Tierney* said, that no inconvenience could certainly arise from imposing some general restrictions on the gift of sinecures, yet he believed the right hon. gent. would hardly say that these were things of which the distribution was personal to the monarch, or that the power of bestowing them existed merely for the purposes of self-gratification to the sovereign. Nothing more strikingly displayed that marked distrust in his royal highness which pervaded the whole measure, than this distinction which it was proposed to draw by the clause then under the consideration of the Committee. The right hon. gent. had indeed assumed as the pretext or ground for all his reservations, the probability of the Regent being surrounded by dangerous advisers. For his own part, he could see no reason why any one should suppose the Prince would have any worse advisers than King George 3, had met with. If he should, he feared the country would be in an unfortunate situation. If the right hon. gent. meant to argue, that pensions should be done away altogether, let him say so; but he could not agree that the Regent should have all the trouble and responsibility, without any of those supports from the prerogative which were to enable him to contend with the various difficulties of the situation.

The *Chancellor of the Exchequer* said, that as long as the assertions or insinuations respecting any distrust, or any suspicions entertained on the part of the framers of the Bill against his royal highness the Prince of Wales were repeated, so long and so constantly would he continue to deny them. He felt confident that those who used them had no fair end in contemplation, which such means were calculated to attain. He himself was of opinion that his royal highness, under a full consideration of the situation of ministers, and of the arduous duties which they had to perform, could not be inclined to put a harsh construction on the motives by which they were actuated. If, indeed, it were possible that he could be mean enough to wish to recommend himself to the favour of the Prince by studying the modes of ingratiation, the course that appeared to him most eligible with such a view, would be that he was then engaged in pursuing. If he could reconcile it to his mind to act upon such a principle as he had described, he would still persevere in the measures he had proposed, because he felt convinced that the Regent, if employed in searching for a minister on whose firmness and integrity he might rely, could not be better directed in his choice than to those who had preserved unshaken their fidelity to his father (hear! hear!). If he wanted a faithful servant, where could he look more properly than to those who had done well in a former service (hear! hear!)? This would be the line of conduct to which he would adhere, and in so doing he should act upon the persuasion that the Prince's favour would be his ultimate reward, and that the impression which it must make on a benevolent heart and an enlarged understanding, would be to conciliate esteem, not to inspire aversion.—The observation of the right hon. gent. sprang from an argument founded on the Civil List. The revenue of the Civil List was disposable only for the term of the King's natural life. This, therefore, was a direct limitation on the King himself; and was it to be argued that there was any impropriety in imposing temporary exceptions on the authority of the Regent? The principle was here the same; the limitation referred in either case merely to time, and could not be discussed on different grounds. It was true that in the four and a half per cent. provision was made to enable the crown to grant further pensions, but the funds thus appropriated were at present so burdened, as to render it impossible to have recourse to them. And as no aid could at present be derived from that source, he conceived it unnecessary to accede to any alteration in the Clause.

Mr. *Tierney* said, that as to the first part of what had fallen from the right hon. gent., he had heard it without surprise. As the right hon. gent. had gone so much on precedent through the whole of the proceeding, he did not wonder that he had looked to precedent for a speech to make. The speech which he had just favoured the House with was the same that Mr. Pitt had made in 1789; and any body might find it in the Parliamentary Register. He could not, however, see any reason why the Regent, acting in behalf of the King, should not have the power equally of granting pensions. The Civil

List was limited in its amount by law, and the four and half per cents. were, as the right hon. gent. stated, much burdened; but if some of those burthens should fall off, he could not see why the Regent should not have the power of conferring pensions upon them. However the right hon. gent. might flourish away upon his independence, the public would believe that this most flourishing and disinterested gentleman might have something lurking in his mind, which merely aimed at depriving the Prince from giving away any of the good things during his Regency, in order that he might have more to dispose of, if the King should recover. They might think, that when he made such a flourish about standing by his beloved sovereign, he really meant the standing up for his beloved self and his beloved colleagues. He thought, however, that those who really stood up for the country, would wish the Regent to have the power of so rewarding services, that meritorious servants of the state should not find themselves deserted in their old age.

Sir *J. Newport* wished to know whether the Regent would be permitted to grant any pensions on the Irish List?

The *Chancellor of the Exchequer* answered, No.

Sir *J. Newport* then stated, that the law expressly said not more than 1200*l.* should be granted on the Irish Pension List in one year. Now he wished to know, if no pensions were granted for a twelvemonth, supposing his Majesty's illness to continue so long, would the King have the power, in the ensuing year, to grant 2400*l.* on the Irish Pension List?

The *Chancellor of the Exchequer* answered, that his Majesty, in that event, would, no doubt, exercise a proper discretion.

The blanks in the Clause before the Committee were then filled up according to the proposition of the Chancellor of the Exchequer. In the Clause requiring the residence of the Regent to be "in Great Britain," an Amendment was agreed to, on the motion of the Chancellor of the Exchequer, substituting the words "in the United Kingdom of Great Britain and Ireland."

The *Chancellor of the Exchequer* proceeded to call the attention of the Committee to the Clause respecting the Household. It having been impossible exactly to collect the sentiments of the House upon this subject, he had drawn the clause in such a manner as to leave it open for the introduction of any Amendments that the present Committee might think expedient. Having first quoted the words of the Resolution, he had stated that the general power over the Household should be vested in the Queen with certain exceptions to be afterwards introduced. This statement was accompanied with a proviso that the officers to be left under the controul of her Majesty should not be removable; and that of those officers not employed about the person of his Majesty, no re-appointment should take place in case of death. He meant to except from her Majesty's appointment the office of Lord Chamberlain of his Majesty's Household, which was now vacant; but as it was necessary that there should be some officer at the head of the department which had been hitherto under the Lord Chamberlain, he meant to propose that the Vice-chamberlain should execute the duties of the Chamberlain. It was his intention also to propose, to except from her Majesty's appointment the Gentlemen and Grooms of his Majesty's Bed-chamber; and also the Captain of the Yeomen of his Majesty's guard, and the Captain of the Band of Gentlemen Pensioners. He excepted the two latter, because he conceived that these officers were necessary only to his Majesty's personal appearance in State; and that, therefore, the appointment and controul of them might, with great propriety, be transferred to the Regent. The Equerries, he thought, might be left as they were; but if any vacancies occurred, that they should not be filled up. He should be induced also to introduce into the clause the same limitation of time, namely, twelve months, that had been introduced into the other clauses. It certainly would not be right in providing for a period, which there was every reason to expect might be shorter than three months, to limit the portion of the Household to be placed under her Majesty's controul so narrowly as it might be expedient to limit it, were that period to be of a more extended nature. With this view he should propose that her Majesty should have the power of appointing the Vice Chamberlain; that the Steward of the Household should be under the controul of her Majesty, who should not have the power of removing that officer, but of re-appointing to the office in the event of his death; that the Master of the Horse and the Groom of the Stole should be also under the controul of her

Majesty though not removable by her, and that her Majesty should have the power of re-appointing to those offices in the event of the death of the present possessors. These officers were at the head of large departments of the Household, and if it was intended that her Majesty should have the controul over the domestic household, it was necessary that these great officers should be placed under her controul. A right hon. friend of his (Mr. Canning) had intimated on a former night, that, in his opinion these higher offices might with propriety be transferred to the Regent. But it was evident that unless a minute detail was entered into by which, for a short period perhaps, the present arrangement of the Household would be broken in upon, and a new arrangement substituted; the various departments must be left in a most defective state, if deprived of the great officers by whom they were at present superintended. With respect to the degree of state that would be necessary for his Royal Highness the Prince of Wales, as Regent, he was sure that his right hon. friend, although he did not under-rate economy, would despise that sort of economy which forbad to grant the means of surrounding the Regent for twelve months only with a suitable establishment. The non-appointment of a Lord Chamberlain of his Majesty's Household would afford a fund for the appointment of a Lord Chamberlain for the Regent. He would also propose to give the Regent a Master of the Horse, a Steward of the Household, five or six Lords of the Bed-chamber, and twice as many Gentlemen of the Bedchamber; the salaries of all which officers added together would not amount (exclusively of the salary of the Lord Chamberlain) to a sum exceeding 10 or 12,000*l.* Now really, that appeared to him to be a consideration so comparatively unimportant, that he did not conceive that the Committee would hesitate a moment in appropriating such a sum to the purposes which he had described. He concluded by moving, That the blanks in the clause should be filled up in conformity to the propositions which he had just submitted to the Committee.

Mr. *Ponsonby* contended, that nothing could be more opposite to the sense of the former Committee, by whom the Resolution respecting the Household was passed, than the plan of the right hon. gent. by which every office of importance in the Household was to be transferred to her Majesty, with the exception of those of Captain of the Yeomen of his Majesty's Guard, and Captain of the Band of Gentlemen Pensioners. Among others, even the office of Master of the King's Buck Hounds was so transferred. All this was in direct contradiction to the sense of the former Committee, which, in his opinion, was, that all those officers which were necessary to the public and splendid exercise of the kingly power, should be placed at the disposal of the Regent, and that all those officers who were necessary to the comfort and accommodation of his Majesty, should be placed at the disposal of the Queen. A course directly the reverse of that suggested by the right hon. gent. ought to have been proposed: instead of vesting the power over the Household generally in her Majesty, and excepting for the Regent the few offices which the right hon. gent. had excepted; the general authority ought to have been vested in the Regent, and the necessary exceptions made in favour of the Queen. In his opinion, the Groom of the Stole was one of the officers who ought to be placed under the controul of the Queen, and who indeed might stand at the head of her Majesty's Household establishment. He would add a certain number of the Lords and Grooms of the Bed-chamber; he would add the Equerries; he would add the inferior officers who were necessarily attendant on the person of his Majesty during his residence in any of his palaces; and when he had done all this, he should think that he had fairly excuted the intentions of the Committee by which the Resolution on this subject was passed. Of what avail was the Master of the Horse, or the Lord Steward of the Household, or the Lord Chamberlain to his Majesty in his present situation. Yet the right hon. gent. was desirous, that by the deprivation of these officers, the Regent should be dispossessed of all that pomp and splendour, which the constitution contemplated as necessary for the execution of the regal functions, and for the maintenance of the dignity of the throne. His Majesty's indisposition prevented him from appearing in public—from meeting his Parliament—from holding a court—from receiving foreign ambassadors—all these royal functions must be performed by his Majesty's representative, the Regent, and he ought to be enabled to perform them with suitable dignity. What was the opinion of the people on this subject? As far as it had been expressed, in the Petition of the city of London; in the Petition of the town of Nottingham, and in every other Petition that had been presented—it declared that the kingly power ought to be conferred on the Regent, unfettered by any restriction, or limitation, or diminution whatever. He objected to that part of the clause which precluded her Majesty from removing any of the officers which might be left under her controul; contending that such a prohibition would not carry into effect the intention of Parliament, in giving her Majesty authority over those officers. The Amendment which he should propose to the proposition of the right hon. gent. would be in substance as follows:—"That a portion of his Majesty's Household shall be placed under the controul of her Majesty, viz. the Groom of the Stole, the Master of the Horse, the Keeper of the Privy Purse, such Lords and Gentlemen of the Bedchamber as her Majesty may please to select, his Majesty's Equerries, and all other officers as may be personally attendant upon his Majesty in the palace in which he is actually resident.—That the Groom of the Stole shall have jurisdiction and authority over all such officers, similar to the jurisdiction and authority that might have been lawfully exercised over them by the late Lord Chamberlain, and that may be lawfully exercised over them at present by the Steward of his Majesty's Household and the Master of the Horse. That the Groom of the Stole shall provide every thing that may be necessary for his Majesty during his indisposition; and that, for that purpose, he shall have money appropriated to his use, as has been heretofore done to the use of the Lord Chamberlain, the Steward of his Majesty's Household, and the Master of the Horse."—Such a plan appeared to him to be perfectly plain and simple, and to carry the principle of the Resolution of the former Committee into exact execution. The right hon. gent. might perhaps again attempt to appeal to the passions of the House with respect to the feelings of his Majesty, when he should awaken from his trance, and find that he had been deprived by the present Parliament of that, of which the Parliament of 1789 did not mean to deprive him. If he conceived that such would be the feelings of his Majesty, he should be as reluctant as the right hon. gent. to excite such feelings; but he was incapable of understanding how a man arrived at rationality should be distressed at finding that Parliament had bestowed on his heir apparent, that authority which the constitution considered to be inseparable from the royal office; when he found also that the same Parliament had made careful provision for his immediate resumption of power on his restoration to health. Never would he believe that his Majesty entertained such a bad opinion of his faithful Commons as to conceive that in what they did, they had disregarded his rights; nor could he believe it possible, that should his Majesty happily recover, the contemplation of the proceedings of Parliament would again plunge him into the melancholy situation in which he was at present.

Mr. *Canning* spoke to the following effect: Sir, it may appear somewhat singular that professing, as we all do, and I have no doubt truly, to come to the consideration of this most delicate and important subject with feelings exactly similar, we should nevertheless arrive at conclusions so widely different. I certainly have no right to be much surprised, that the views of my right hon. friend, (the Chancellor of the Exchequer) and those taken by the right hon. gent. who has just sat down, (Mr. Ponsonby) upon the question now under the consideration of the Committee, should not exactly correspond with each other, when I find that I cannot myself entirely concur with either. I trust, however, that I shall not be considered as unnecessarily objecting to the original motion of my right hon. friend, or as undervaluing the amendment of the right hon. gent., if I shall take the liberty of submitting, more in detail than I have hitherto done, my sentiments, differing in many respects from both their propositions, with respect to the arrangement and distribution of his Majesty's household. To find objections to any plan that can be proposed on a subject so intricate, and involving considerations at once so new and so interesting, is easy. I am far from presuming to think, that I shall myself be more fortunate than those, who have preceded me, in suggesting any thing, to which no objection is to be made. But having once stated my inability to agree in any thing, that has yet been proposed, I think, I owe it to myself, to my right hon. friend, and to the right hon. gent. opposite, to lay fairly before the Committee my own views of the subject in the best shape, to which I have been able to reduce them; and to prove that I, at least, do not object captiously to all that is offered by others, without having framed, in my own mind, something that appears to me, at least, to approximate more nearly to the plan which we ought to adopt. In the first place, then, there are certain principles which appear to be admitted on all sides. The first is that, during the lamented illness of his Majesty, every thing should be done, not only to denote the tender care and solicitude of his subjects for his situation, and to afford to his Majesty every possible personal comfort and convenience, but to surround him, at the same time, with all the dignity and splendour, of which his melancholy state is susceptible; to mark, amidst the sufferings of mortality, that the sufferer is still our King. Another principle, which I conceive to be universally admitted, is, that whatever of fair, constitutional, political influence can, without trenching upon the comfort or impairing the dignity of the King, be transferred to him, by whom the executive authority is to be exercised during his Majesty's incapacity, ought to be lodged in the Regent's hands.—These are the two leading principles, upon which I conceive that we are all agreed; but here our diversity of opinion begins. To these admitted principles I am inclined to add another, which my right hon. friend appears to have in part adopted, but not to the extent to which I wish to carry it, that whatever portion of political influence connected with the King's household cannot (for whatever reason) be transferred to the Regent, ought rather to be left altogether in abeyance, than exercised by any other individual. On this principle, my right hon. friend has consented to strike out the power of "removal," which, by his first project, her Majesty the Queen was to have possessed over all the officers of the household; and to make the lords of the bed-chamber and others irremoveable during the continuance of his Majesty's illness: whether in this instance, doing me the honour to adopt the suggestion which I took the liberty of throwing out, when last this subject was under consideration; or convinced of the propriety of the change upon his own reflection on his original plan, is, in the result, wholly immaterial. I equally admit the alteration to be a great improvement in that plan, and to do away much of my objection to it,—much; but not all: for the detail of his distribution of the household between the Regent and the Queen, appears to me liable to great objection; and further I object mainly to that main feature of his plan, by which it is made temporary and reviseable; conceiving that, whatever settlement we make, we ought to take this opportunity of fixing it once for all on a just and satisfactory basis. I agree with my right hon. friend, that no considerations of pitiful œconomy should prevail with us, when weighed against considerations of so much greater importance, as many of those, which belong to the present question. But I cannot equally concur in the proposition, that the Regent should have a new and separate establishment altogether unconnected with that of his Majesty. It is my opinion, on grounds not of œconomy, but of propriety, that the Regent should rather appear in the splendour of his father, than with an independent establishment of his own. I confess, however, that this part of the subject is not without great difficulties. I am ready to admit, that I have not found it an easy task to reduce my own view of the question to any thing like a satisfactory shape; and I am not much surprised, that the diversity of the views, of which the subject is susceptible, should have led to various and opposite projects of modification.—It is clear, I think, that, if the care of his Majesty's person shall be confided to the Queen, (and upon that point we are perfectly unanimous,) her Majesty ought not to be without some controul over the household;—on the other hand it appears to me neither right nor necessary to embarrass her Majesty with that species of controul, to which considerable political power attaches. The Queen ought to possess all that influence in the household, which may be essential for enabling her Majesty to discharge effectually the sacred trust committed to her:—but for this purpose I do not think, that her power need extend to those great officers, whose situations partake more of a political than of a domestic nature; and whose duties do not call them to a personal attendance about the King. Such officers should, in my opinion, belong to the Regent, as part of the state of the crown, whose functions are devolved upon him.—Upon these grounds it is, that in the amendment, which I have to submit to the Committee, I propose that the Lord Chamberlain and the Master of the Horse, to whom after the best consideration that I have been able to give the subject, I shall also add the Lord Steward of the Household, shall, by being placed at the disposal of the Regent, make the foundation of his representative state. I should never have thought of offering such a proposition, if I were not fully satisfied that the sacred and important trust, which is to be confided to the Queen, may be fully and perfectly administered by placing the remainder of the household, comprehending all the persons, whose attendance is necessary for the personal comfort and convenience of his Majesty, including all those in the departments of the Lord Chamberlain, Lord Steward, and the Master of the Horse, under the controul of the Queen. This would ensure a due respect to the partialities, which the Sovereign may entertain towards any of the domestics more immediately employed about his person—and when his Majesty shall happily awake from his "trance of reason," he would find himself still surrounded by the same attendants, to whom he had been accustomed. If such a distinction as I have described can be drawn between the part of the household, necessary to be given to the Queen, and that, which may without inconvenience be left at the disposal of the Regent, it seems to me incumbent upon us to draw it now, rather than leave so delicate a partition to be made hereafter at the suggestion of the Regent. With this view, therefore, I submit to the Committee an Amendment to the proposition of my right hon. friend, which appears to me to define this partition more correctly than that of the right hon. gent. (Mr. Ponsonby) to which I feel many objections, but feel none more strongly than that it goes to diminish in too great a degree the portion of the household to be left under the controul of the Queen, for the personal comfort and convenience of his Majesty. In the first place then I would propose, that, after the words "during the continuance of his Majesty's indisposition," the following words be inserted,—"And that the Master of the Robes "to his Majesty, the Keeper of his Majes"ty's Privy Purse, the Groom of the Stole, "the Gentlemen and Grooms of the Bed"chamber, his Majesty's Equerries, and "generally all officers in the several de"partments of the Lord Steward of his "Majesty's Household, the Lord Chamber"lain of his Majesty's Household, and the "Master of the Horse, whose attendance is "or shall be deemed by her Majesty the "Queen to be necessary for enabling her "Majesty to discharge the sacred trust by "this act committed to her Majesty, shall "be under the direction and controul of her "Majesty, and shall give such attendance, "either at the place of his Majesty's royal "residence, or elsewhere, as her Majesty "may think fit to require."—In this list I had inserted the offices of the Captain of the Yeomen of the Guard, and of the Band of Gentlemen Pensioners: but as I find my right hon. friend gives them up as untenable, I have no hopes of being able to retain them, and therefore I strike them out.—I conceive, Sir, that the officers who are named in the list, which I have just read, are more immediately necessary to the personal convenience of his Majesty, in consequence of their constant attendance near his person, than any other officers of the household. I propose to place them intirely at the disposal of the Queen, as to the mode, the manner, the time and place of their attendance. When I state that this attendance should be liable to be commanded "elsewhere," that is at any other place, than that of his Majesty's royal residence, as well as at the place of that residence, I have in view the continuance of that communication, which is now daily made to the public of the state of his Majesty's health. The Bill I see provides for a statement to be made public every three months in the gazette. But I do not think that sufficient. I do not think it altogether respectful to his Majesty. I think there ought to be means of access afforded to all his Majesty's subjects, at stated and not distant intervals, I should say once a week at the least, where they may learn tidings of their Sovereign's situation, from some competent and satisfactory authority. It would be unseemly, that this custom should be discontinued.—In order to render the controul necessary to be thus vested in the Queen as innoxious, and as little liable to be converted to purposes of political influence as possible, my Amendment proceeds to enact, that the officers to be thus placed under the controul of her Majesty, shall be exempted generally from removal from office; and that in case of vacancy in any of these offices by death or resignation, her Majesty is not to have the power of filling it up; with a particular exception, however, in the cases of the Groom of the Stole, and of the Keeper of his Majesty's Privy Purse: of the latter, because the nature of his functions is such, as not to admit of their suspension, and being intirely of the private and personal service of his Majesty, and not in the smallest degree connected with political objects, the filling up that office may most probably be left to the nomination of the Queen. The Groom of the Stole, I had, not so much on my own opinion, as to fall in with the proposition of the right hon. gent. opposite, who seems to have framed his Amendment on the notion, that the Groom of the Stole ought to be at the head of the whole of that portion of the Household, which is to be left to the management of the Queen, and to controul and regulate it for her Majesty. If that be so, the office must be filled up, should it fall vacant; and can only be filled up by her Majesty's nomination. The clause would run thus;—"And that "it shall not be lawful, during the continuance of this Act, to remove from "their offices the said Master of the Robes, "Keeper of the Privy Purse, or Groom "of the Stole, or any of the said Gentlemen or Grooms of his Majesty's Bedchamber, or of his Majesty's Equerries, "except upon an Address of parliament, "or upon a representation from her Majesty the Queen, under her Majesty's "hand and seal; and that no vacancy "arising in any of the said offices, whether by such removal as aforesaid, or "by death or resignation, shall be supplied or filled up, or any appointment or "nomination made to supply any such "vacancy; excepting only in the case of "the Groom of the Stole, or of the Keeper "of his Majesty's Privy Purse, in either "of which offices, if a vacancy shall arise, "such vacancies shall be supplied and "filled up by the appointment and nomination of her Majesty."—It seemed expedient, when providing generally against the removal of these officers during the term of his Majesty's illness, to take care at the same time, that they shall not be withdrawn from animadversion in case of neglect or omission of duty, or from the possibility of dismissal for misconduct. With respect to the higher officers, the course pointed out for effecting their removal in case of delinquency is, in one alternative, similar to that provided in the like case with respect to the King's judges or other officers holding situations "*quamdiu se bene gesserint*:"—in whom the possibility of an abuse of trust is supposed by the wholesome jealousy of the constitution. It is no want of respect for those noble persons, that I would thus provide a check upon any possible, though most improbable misconduct on their part, at a time when I am proposing to exempt them from liability to discretionary removal. The same check to which the judges of the land are amenable, cannot be considered as rigorous when applied to the highest officers of his Majesty's Household. The other mode of removal, that of a representation from the Queen to the Regent, is provided to meet other possible cases of a sort not grave enough for the cognisance of parliament: but in this mode by lodging the right of representation in the Queen, and the right of acting upon it in the Regent, and giving to neither the right of appointment to the vacancy, while on the one hand every provision is made against misbehaviour by leaving this limited and regulated power of removal, on the other every security is taken against a capricious exercise of that power.—As to the inferior officers of the household in the departments of the Lord Steward, Lord Chamberlain, and Master of the Horse, whom I would place under the direction and controul of her Majesty, I propose, that they shall not, during their continuance under such direction and controul, be answerable also to the controul, of those great officers, or liable to be removed by them at their pleasure as in ordinary times:—but that they shall be removeable only on the representation or with the concurrence of the Queen, and that her Majesty's sanction shall be necessary to give validity to any new appointment in these departments. Upon this point I offer the following clause in my amendment; "And "that with respect to the officers or others "in the departments of the Lord Steward "of his Majesty's Household, the Lord "Chamberlain of his Majesty's Household, "and the Master of the Horse, whose nomination, appointment, and removal, "have heretofore usually been made by "the said Lord Steward, Lord Chamberlain, Master of the Horse, and whose attendance is, or shall be deemed by her "Majesty the Queen to be necessary for "the purpose aforesaid, it shall not be "lawful during the continuance of this "Act, for the said Lord Steward, Lord "Chamberlain, or Master of the Horse, "respectively, to remove any such persons from their said offices; excepting "only upon a representation from her "Majesty the Queen, or with her Majes-

"ty's previous concurrence and approbation, and under her Majesty's hand and "seal; nor to supply and fill up any such "office, vacant by such removal, or by "death or resignation, without her Majesty's previous concurrence and approbation; and that no appointment or nomination to any such vacancy shall be "valid, unless so approved by her Majesty." —I do not mean, however, to extend the operation of this clause to such offices in these several departments, as are not connected with the personal service of his Majesty. There are many situations in the Lord Chamberlain's department particularly, the holders of which have duties totally distinct from any thing that relates to the attendance upon his Majesty's person, or to the service of his household,—Secretaries—Clerks, and others over whom the head of the department must necessarily preserve his controul, being responsible for their conduct in matters of business and (in some cases) of pecuniary trust. With respect to them I would provide as follows: "Provided nevertheless that nothing in this Act shall extend or be construed to extend to prevent the said "Lord Steward, Lord Chamberlain, Master "of the Horse, from removing from, and "nominating and appointing to any such "offices in their respective departments, "as are not, or shall not be deemed by her "Majesty the Queen to be connected with "the purposes of the trust by this act "committed to her Majesty; but the said "Lord Steward, Lord Chamberlain, and "Master of the Horse, respectively, shall, "and they are hereby required and directed to notify to her Majesty the Queen, "in such manner as her Majesty may direct, any such intended removal or appointment, in their respective departments; and, upon receipt of a certificate from her Majesty, that such removal "or appointment is not likely to be attended with any inconvenience to her Majesty, in the execution of the trust committed to her Majesty by this act, it "shall be lawful for the said Lord Steward, "Lord Chamberlain, or Master of the "Horse, respectively, to make such removal or appointment in the same manner as heretofore: any thing in this act "to the contrary notwithstanding."—I have now, Sir, submitted to the Committee the substance of the Amendments which it is my intention to propose. I am confident, that no hon. gent. will feel, that by this arrangement any offices will be vested in the Queen or subjected to her controul, which would give to her Majesty any dangerous political influence in the state. It will, I trust, be equally clear on the other hand, that, with the portion of the household thus to be placed at the disposal of the Queen, there will be no deficiency of establishment for the comfort and dignity of the royal person and state of the Sovereign: while, at the same time, the transferring to the Regent the three great officers at the head of the several departments of the household, in addition to those whom my right hon. friend proposes to transfer to him, a sufficient foundation would be laid for that state and splendour, in which the representative of the monarchy ought to appear;—a splendour and state the more suitable, as they are, like his authority, not separate to himself, but derived immediately from his father.—Of the two propositions, which have already been submitted to the House, if I were obliged to choose between them, I confess, I incline more to that of my right hon. friend (the Chancellor of the Exchequer) than to that proposed by the right hon. gent. on the other side, (Mr. Ponsonby.) I feel, however, a very great objection to leaving the office of Lord Chamberlain vacant, as proposed by my right hon. friend. It is clear, that the Regent must have an officer of that description. By omitting to fill up the existing vacancy, therefore, no saving is to be expected in point of economy; and in a constitutional point of view, as I have already observed, it appears to me far more desirable, that the Regent, who is to possess not a substantive but a representative power, should be attended by the King's Lord Chamberlain, than that a new office should be created for his service. —But I have another and more insuperable objection to my right hon. friend's plan; and that is, its being professedly calculated for revisal and alteration at the end of a certain period of time. I have already said, that I dislike (I know not whether it be a fanciful and unseasonable dislike only) the dividing the King's illness into two periods, the one of hope and the other of despair. Would to God, that we could have avoided the necessity of these discussions altogether—or that we might, even yet, have no occasion to complete the provisions, which we are considering! But, if we must complete them, I could wish it to be done, once for all, for the duration of the Regency. I would not studiously lay the foundation of future debates and discussions. I would not impose upon the Regent the necessity of himself proposing an alteration in the terms on which he holds his power. I have stated this argument, and feel it strongly with respect to the Restrictions. But I feel it infinitely more strongly with respect to the arrangement of the Household. It has been confessedly a matter of no small difficulty for his Majesty's ministers, and certainly no less so for others, who have endeavoured to digest their opinions upon this subject, to hit upon any mode of proceeding, which would be likely to meet all the different considerations growing out of the exigency of the occasion. I appeal then to the good sense of the Committee whether a much greater difficulty will not be imposed upon the Regent and his ministers, if they shall have all these points to settle and all these interests to adjust, in the distribution of the Household, which are proposed to be left undecided by this Committee? We may now decide impartially between conflicting claims: but the Regent once established, the task of his ministers, whoever they may be, will be very difficult, and the conduct of parliament itself much embarrassed. It surely will be no auspicious opening of a new session, for the Regent to call upon us for an augmentation of his state at the expence of his father's Household as now established, in consideration of the King's protracted indisposition and the consequent hopelessness of his recovery. Yet this is what we create for him the necessity of doing, by adopting the proposition of my right hon. friend. Do not let my right hon. friend suppose, that I object to the extent of his arrangement for the King, provided it be intended by him to be so settled once for all. Let the provision for the personal comfort and convenience of our Sovereign be as ample as possible—let it be even still more ample than that proposed by my right hon. friend—but if it be a principle that the Regent, exercising a borrowed power, should also shine with the borrowed lustre of his Father's Majesty, let that precise portion of the splendour of the royal Household, which may be thought necessary for this purpose, be allotted to him now.—Let him not be under the invidious necessity of himself calling upon parliament for a new partition hereafter. Having thus, Sir, taken the liberty of explaining the grounds of my opinions in a detail, which I am afraid must have been tiresome to the Committee, I have only to add that I shall vote for omitting the words of my right hon. friend's motion, for the sake of obtaining an opportunity to submit my Amendment to their decision.

Lord *Castlereagh* concurred with the right hon. gent. who had just spoken, that whatever might be the difficulty of the question, it ought to be disposed of before the Regent assumed the government. He did not conceive that the controul proposed to be given to her Majesty over those officers who were to be allotted to her, was sufficient. Charged with such a delicate trust, her Majesty ought to be put in possession of, all the means necessary to enable her to execute it. It was not enough to provide that the Officers under her controul should be removable on a representation to the Regent. Many cases might occur in which an Officer might render himself sufficiently obnoxious without affording grounds for a formal charge. He was, therefore, decidedly of opinion, that whatever portion of the Household might be appropriated to the Queen, her Majesty should enjoy as absolute a controul over it as the King would. He objected also to the proposition of his right hon. friend, that some of the Officers of the Household should not be removable by any authority. If the malady with which his Majesty was at present afflicted had occurred soon after he ascended the throne, had parliament at that period acceded to such a proposition as that made by his right hon. friend, and had his Majesty's malady continued during his life, those officers, among whom were twenty-two Peers and members of parliament, would have continued in office for that long period, and by attaching themselves to a political party, might have possessed a very undue influence. He disapproved strongly of any special Household for the Regent, whom he wished to see accompanied by royal, but not by peculiar state. On the other hand, he objected to the project of giving to the Groom of the Stole such an extensive controul over the various departments of the Household. He was convinced that it would introduce a confusion into the service, from which it could never be extricated. It was, however, by no means necessary that those departments should be administered by the heads of them, so as to deprive the Regent of their services. His right hon.

friend had admitted, that the business of the Lord Chamberlain might be transacted by the Vice-Chamberlain. There was no Vice-Steward, or Vice-Master of the Horse; but it would be very easy to vest the controul of those departments in the second Officer of each department, having the chief Officer to contribute to the state of the Regent.

Mr. *Adam* begged leave to state what appeared to him to be the nature and form of the question, and in doing so he hoped he might hit upon that course which would extricate the Committee out of their present difficulties. The Amendment intended to be proposed by his right hon. friend (Mr. Ponsonby) had been superseded by the Amendment of the right hon. gentleman, which was on the original clause. Disposed as he was to adopt the Amendment of his right hon. friend in preference, he thought that the best means of clearing the way before them, and of enabling the Committee to come to a vote, would be to move, that after the words "his Majesty's indisposition," all the rest of the words to the end of the Clause, should be left out. Then if the Committee agreed to that, the way would be cleared for the introduction of any of the Amendments upon which the Committee might be called upon to pass a judgment. With respect to the confusion apprehended by the noble lord, as to the different offices in the Household, they had all their respective duties: The Master of the Horse had one duty, the Chamberlain another; the Steward of the Household a third; the Groom of the Stole a fourth. Their duties were to be severally done, and placing them all under one general and efficient government, would rather lead to order than confusion. At the same time he thought that his Majesty's Equerries, and such other of the Household immediately connected with his Majesty, ought to be under the controul of the Groom of the Stole. With respect to the suspension of the office of Chamberlain, it appeared to him to be an innovation of a most serious kind—one that the department of the Household had never undergone since the institution of the office of Chamberlain; and he begged leave to give notice, in case that part of the clause should that night be carried, he should take a subsequent opportunity of delivering his sentiments upon it fully and freely.

Mr. *Wilberforce* objected to the mode proposed by the honourable and learned gent., of leaving out all the words of one Amendment for the purpose of coming to a vote on the question of substituting in their place the words of another. He confessed that he had not a clear conception of the distinct measure proposed, and was apprehensive that more members than himself were in the dark upon the subject. A great impression had been made on his mind by the reflection of what might be the King's feelings upon the subject; and he thought the House might be justified in making such arrangements as would be most grateful to those feelings. The statements made on that subject, they had reason to believe—had been made by those to whom his Majesty's feelings were best known.

Mr. *Addington* said, that in offering himself to the Committee, nothing could be farther from his intention than to enter into a review of the cold details of the different plans that had been submitted to its considerations, and especially of the complicated machinery of that which had been proposed by the right hon. gent. opposite to him (Mr. Canning). He did not knew whether many gentlemen present sympathised with him in the painful impression made on his mind by the whole of the discussion—a discussion the most abhorrent from his feelings of any that he had recollected, during a long parliamentary life, within these walls. The unfortunate predicament in which the House was placed was the result, not difficult to be anticipated at the time, of what he must call the hasty and ill-judged adoption of the Amendment which had been moved by a noble lord (Gower) on a former occasion. Posterity would scarcely believe, that a British House of Commons should, after a few weeks illness of a revered and beloved Sovereign, have been found gravely debating on the quantum of comfort and of necessary splendour, which they, the constitutional guardians of the rights of their Monarch under his affliction, should be pleased to dole out to him, or rather to permit him to retain, till it might please Providence to listen to the united prayers of his people in restoring to him his health.

He had taken the liberty on a former occasion, of submitting to the House the propriety of adhering to the proceedings as applied to this point, which had been acted upon 22 years ago; and by the adoption of which the House must now practically discover, that the complicated difficulties in which we were now entangled would have been avoided. We had before us no less than five plans of arrangement, brought forward by as many leading members of the House, and all totally differing from each other; indeed, he doubted whether any two gentlemen could be found who agreed on the specific course which it would be prudent to pursue. Of these five propositions, he would almost defy any member honestly to declare that he distinctly understood any one of them.

It had been asked by a right hon. gent. early in the debate, what would the people say, if they were to be told what and what powers were to be withheld from the Regent? He would ask on the other hand, what would be the sentiments of the people, generous and loyal as they are, if it was possible to take their opinions as to the quantity of enjoyment, of ease, and even of splendour that should be left to their King in his distress?—They would answer with acclamation—leave it all—act as men no less wise than yourselves acted 22 years ago, and protect to the utmost your Sovereign, who is disabled by the hand of Heaven from protecting himself. He (Mr. A.) had heard it too asked that night, and he was ashamed of the question, what had a King to do with splendour, who was reduced by illness to a state of incapacity? He would refer such gentlemen for an answer to the never-to-be-forgotten opinions expressed on this subject, of a noble lord (lord Grenville) 22 years ago. He had stated, and most justly, that the very incapacity from such a cause was an additional reason, so long as it continued, for maintaining the splendour of Royalty. Why? because his Majesty being withdrawn from the eyes of his subjects, the pageantry with which he was surrounded presented to them a constant reminder that they had still a king on the throne who might shortly be restored to the exercise of his authority.

If, said Mr. Addington, I had a mind so vulgar, as I am sure belongs to no man in this House, if I had an intellect so poor and so degraded, as to be caught by the novelty, or dazzled by the possible splendour of an approaching Regency; if I was one of those, if any such here are, who, wearied and satiated with the tiresome, monotonous uniformity of the unvaried blessings of a most paternal reign of more than 50 years, even panted for a change, still, as a Member of Parliament, sitting in deliberation on this most afflicting occasion, I should be ashamed to be found shrinking from any atom of the sacred duty imposed upon me to maintain inviolate the rights, to secure an unembarrassed restoration to the exercise of the Royal functions; and, above all, to cherish and preserve the comforts and all the external means which command respect, of our beloved Sovereign: I would give liberally to the representative; but would be no party to any measure that tended to diminish the ease, or to abate the lustre of the principal.—Mr. A. could only add, that in the present perplexed state of the question, if he was asked how he should vote, his short answer must be—that he really could not tell. He believed there were but few gentlemen in the House who were not at that time in the same predicament. He warmly approved of the suggestion of his hon. friend behind him (Mr. Wilberforce) to take a few hours to weigh more fully the several propositions before the Committee, in which there would be no inconvenience, as the House must necessarily meet the following day. For his own part he should certainly be a supporter of that, which should be found to trench the least on the comforts, to be the least likely to affect the peace of mind, and to leave the most of the trappings of Royalty to the Sovereign, which were given for the most beneficial purposes; and the diminution of which might be attended with more serious consequences than the House might perhaps be aware of.

The *Chancellor of the Exchequer* thought the difference of opinion which existed among those gentlemen who had spoke, must be felt as furnishing some excuse for his failing to frame the clause so as to please every one. He begged to correct a mistake of a right hon. gent. (Mr. Ponsonby) who had understood him to say that his proposition was what he conceived was desired by the Committee. What he had said was, that he had left a blank in which gentlemen might insert what should be right in the eye of the Committee; but when he came to propose with what that blank should be filled up, he stated what he himself thought it ought to be filled up with, still keeping in view the former decision of the Committee. It had been said that the proposition he had submitted to them was at variance with the arguments he had made use of. This he could not help. He had been driven to it by the sentiments of the majority of a former night; and after the decisions to which he alluded, he could not think of bringing a proposition exactly the same. He begged to assure his hon. and learned friend (Mr. Adam,) that when he had laughed in the course of his speech, that it was out of no disrespect to him, but he acknowledged his proposition did excite in him some mirth when he talked of clearing the way, as his plan went to clear his (the Chancellor of the Exchequer's) plan quite out of the way, without giving it its turn in common with the other propositions before the House. This, too, was to be effected in a very convenient way; to make two right hon. gentlemen meet, who differed quite as much from each other as he did from both. He then proceeded to take a view of the proposition of the right hon. gent. than which, he really thought one more extravagant could hardly be submitted to them. They all knew there were three great officers in his Majesty's Household, the Lord Steward, the Master of the Horse, and the Groom of the Stole, could any thing be more extravagant than a proposition to place the Groom of the Stole at the head of the whole? Could any thing that could be proposed be more unlikely to produce the effect which he desired, than a proposition which went to make the Groom of the Stole responsible for the acts of the servants of the Lord Chamberlain? Nothing could be more extravagant, and he confidently hoped his own proposition would be preferred to one so impracticable in itself. His right hon. friend's plan appeared to him more reasonable, though he could not agree to that. He thought it unfair to place the Queen in a situation in which she must carve out part of the establishment as she desired for herself. According to his own plan, the Lords and Gentlemen of the Bedchamber would remain as they were, and the same statements would be made to the public respecting the state of his Majesty's health as at present. It was not his intention that there should be but three monthly accounts of his Majesty's health. If they looked at the Bill, it would be seen, that the Council were to be assembled so often to inquire into the real state of the King's health. The sentiments of his noble friend under the gallery had great weight with him as to principle. On a permanent establishment, the evils likely to result from her Majesty's not having power to remove any Officer, might be great, but the evils which they anticipated might be borne under a temporary arrangement. If the arrangement proposed were for her Majesty's life, he should certainly think that the power of removing the Officers of the Household ought to be given, though he did not feel it necessary at present. The plan of the noble lord was, that the inferior officers should be attached to her Majesty, while the superior ones were transferred to the Regent. Of all the plans beside his own he thought that the best. There was, however, a great difference between him and his noble friend, a difference which he was of opinion could never be done away. The noble lord thought it was expedient and necessary to come now to a final arrangement. He (the Chancellor of the Exchequer) thought they ought not at present to give any power which was to be permanent. At present they wanted information on the subject; which want must be felt throughout the period of their sitting, and therefore their decision on the subject ought not to be final. On these grounds he came round to his original proposition, which was, that her Majesty should controul over those parts of the Household which had a controul over the inferior parts. On this question he now left the Committee to decide, giving it as his opinion that the words proposed to be left out for the Amendment, ought not to be omitted.

Mr. *Ponsonby* said that the right hon. gent. had very naturally bestowed his approbation, first upon his own plan, and next upon that which most resembled it, namely, that of the noble lord. The right hon. gent. said, that the proposition submitted by him (Mr. Ponsonby) would have the effect of overturning and disordering the whole of the Household. It did not do this. If the right hon. gentleman's plan should be adopted, the whole patronage of the Household would be transferred to the Queen, with the exception of two offices. This plan gave the Queen what by the Resolutions of the two Houses she was not entitled to have. He himself, on the contrary, contended that this patronage should be divided between the Regent and the Queen. The question before the Committee was, whether the House was prepared to give the Queen the whole Household, with the exception of the two offices, or whether they will adhere to the spirit of the Resolution; that was the question; there was no blinking it; and, therefore, should even a length of two days be taken up in penning proper enactments for that purpose, the time would not be ill bestowed.

The *Chancellor of the Exchequer* had no intention of troubling the House farther on the subject, but there was such a radical misconception of his proposition in what the right hon. gent. had stated, that he could not let it pass without remark. The right hon. gent. said, that with the exception of the two offices, the whole patronage of the Household was in her Majesty. The right hon. gent. forgot the Lord Chamberlain, the Master of the Horse, the Equerries, &c.; and how could it be said that her Majesty had the controul over those, whom she had no power to turn out from any of these offices.

Mr. *Ponsonby* said, that he would take the Chancellor of the Exchequer's own explanation. He had himself used patronage too vaguely, and he might have added controul; for the Bill gave the whole controul to her Majesty; so that between patronage and controul she had the whole management of the Household.

The question being loudly called for, strangers were excluded. The Committee divided on Mr. Canning's Amendment, when there appeared, for it,

Ayes 160
Noes 184

Majority against the Amendment 24

A second division took place on the Chancellor of the Exchequer's Amendment, in the way he wished to have the blanks filled up in the Clause, when there appeared,

Ayes 209
Noes 182

Majority 27

Mr. Ponsonby then moved, "That the Lord Steward of the Houshold be under the direction of the Prince Regent:"

Ayes 177
Noes 204

Majority against the Amendment 27

Mr. Ponsonby then moved, "That the Master of his Majesty's Buck-hounds be under the direction of the Prince Regent:" which was also negatived by 22; the numbers being,

Ayes 180
Noes 202

The House then resumed, and the Chairman reported progress, and asked leave to sit again.—Adjourned at half past two o'clock.

HOUSE OF COMMONS.

Friday, January 18.

[Regency Bill.] The order of the day for further considering the Regency Bill was read. The House resolved itself into a Committee on the said Bill. Mr. Lushington in the chair. The Chairman having read the clause for appointing the Council of the Queen,

The *Chancellor of the Exchequer* rose and stated, that before he proceeded to name the persons as fit and proper to be appointed on the Council of her Majesty, it would be necessary that he should say a few words in explanation of the former proceedings in this particular respect. On the occasion of the Regency in 1788, it had been judged expedient to name the councillors; not designating simply their official capacity, but with the prediction of their names. In this manner were named the two archbishops of Canterbury and York, lord Thurlow, then Chancellor, lord Kenyon, then Chief Justice of the King's Bench; together with the Lord Chamberlain of the Houshold for the time being, and also the Master of the Horse, and the Groom of the Stole. With reference therefore to that precedent, he should propose, that the two archbishops of Canterbury and York, by name; John lord Eldon, Lord High Chancellor; Edward lord Ellenborough, Chief Justice of the King's Bench, should be of her Majesty's Council. With respect to the Lord Chamberlain for the time being, the Committee must be aware that the office was at present vacant, and that it had been settled yesterday that it should remain so; therefore it became necessary (on the supposition that the former plan would meet with the concurrence of the Committee) that the deficiency occasioned by the absence of this person should be supplied. The right hon. gent. conceived that the bill of 1788 was defective in this particular: that in the appointment of the Council, the Committee of that day had not nominated any one of that Council who held a seat in this House. To remedy the defect in the present instance, he thought would be wise, by introducing a member of parliament. Without meaning to throw any imputation or blame upon the future councillors of her Majesty, it would be obvious to the Committee that the having some person who could, from time to time, state to the House, if necessary, an account of the proceedings of the Council, would be a desirable object. With this view he should propose the Master of the Rolls, an individual whom the Committee, he was satisfied, could not object to, either on account of his station, or the respectability of his character. In making these appointments, it must be observed, that the Council would be constituted from the names of the persons composing the same, and not from their official situations, because it was very possible that the duties of the Queen, in regard to the care of his Majesty, might continue for a longer period than the Houshold, and it was necessary that the arrangement made in the first instance with respect to the Council should not be disannulled. The names of the other councillors would be the earl of Winchelsea, the duke of Montrose, and the earl of Aylesford.

Mr. *Whitbread* wished the right hon. gent. to inform the Committee, why he proposed that the Council should be constituted rather by names than by official signatures?

The *Chancellor of the Exchequer* replied, that with reference to the arrangement in the Houshold under her Majesty, that was only to continue for twelve months; therefore, if any alteration should take place at the end of that time, and the officers should not be continued, of course the Council of her Majesty would be disarranged and incomplete. It was better, therefore, that it should be as proposed by him, until it was seen whether parliament would fix the limitation permanently.

Mr. *Adam* said, it appeared to him extraordinary that the right hon. gent. had not nominated any one of the royal family on that Council. Did he mean to name any one? If not, he wished to name one.

The *Chancellor of the Exchequer* had followed the precedent of 1788, in which he did not find any of the royal family. Nor did it occur to him for that reason to ask any of the royal persons his wishes on the subject.

Lord *George Cavendish* conceived that many persons thought it right that some one of the royal family should be of the Council, and as his royal highness the duke of York was the next in succession to the Regent, he should propose that royal person to be one of her Majesty's councillors. He knew of no reason why his royal highness should be excluded.

The *Chancellor of the Exchequer* observed, that if it was proper to introduce that royal person, his name should precede those he had proposed. The Chairman then put the question, "That the blank be filled up with the name of his royal highness the duke of York?"

Mr. Secretary *Ryder* perfectly agreed that, if it was proper to have the duke of York on her Majesty's Council, the name of his royal highness should precede all the others; but feeling, as he did, that it was extremely objectionable to have any of the royal family on that Council, he should vote against the motion. It was almost needless, the right hon. Secretary observed, for him to state the grounds of his objection. It was certainly very natural that her Majesty should wish to have the advice of those next in blood to her; but it was unnecessary that they should be on the Council, for her Majesty was in the daily habit of seeing them, and might consequently receive any advice out of the Council which they were inclined to give. In the first place, it was improper that the duke of York should be on the Council, because he had a strong constitutional objection that any of the royal family should hold an office of trust or responsibility unless strong and valid reasons were adduced to the House for it. (Hear! hear!) Would any man deny that circumstances might occur in which a member of the Council of the royal family might be called upon for advice in which his own interest was concerned. That was a strong reason for the objection. It was desirable that the Council should be composed of persons ready to give the most impartial and unbiassed advice. And was not the duke of York admitted to have a most affectionate and dutiful regard for his royal Father? Had it not been already decided that the Regent was the most improper person to have the care of the King's person? That objection was upon parliamentary grounds: the objection equally applied to the duke of York or any of the branches of the royal family entitled to the succession to the throne. The right hon. Secretary stated, that a similar motion had been made in 1788, and rejected.

Mr. *Ponsonby* did not think that the right hon. gent. was correct in the last statement he had made. He did not think that any Committee would have rejected a proposition similar to the one made by the noble lord. The right hon. gent. had stated, that it was objectionable to appoint any of the royal family to offices of trust or responsibility; he (Mr. Ponsonby), however, could not forget that this same royal person held an office of great trust and responsibility, and yet the right hon. gent. at that time raised no sort of objection, on constitutional or other grounds. With respect to the objection on account of the affectionate regard and duty of the royal duke to his Majesty, why, his Majesty must indeed be in a very unfortunate situation, and different from all other fathers, if the affectionate attentions and regards of his children were to operate as bars to seclude them from the care of his royal person. If the advice of any of the royal family might be obtained by her Majesty, without their being appointed on the council, she would have it where it could be of no effect or consequence. He flattered himself the Committee would not see any just grounds for excluding the royal duke; on the contrary, he thought it would be most proper and politic to have all his Majesty's sons (with the exception of the Regent) on the council, as affording to the eyes of Europe a proof of the unanimity between them and the nation. To reject the motion would be doing little less than holding them out as deficient in those virtues which the nation knew they possessed.

Mr. Secretary *Ryder* denied that he had said that it was not desirable to have any of the royal family in places of trust or responsibility gratuitously. When the royal person, the object of the motion, was in power, he had not forborne to bear his humble testimony to the admirable qualities and extreme industry of the Commander in Chief. He had from various military quarters gained the knowledge of the very handsome conduct of his royal highness, and of the respect which the army entertained for him. He hardly expected such an attack from the right hon. gent.

Mr. C. Wynn conceived the objection now urged, could not apply to the Duke of York.

The motion was then put and negatived.

The *Chancellor of the Exchequer* then proposed to fill up the first blank with the name of "Charles Manners, Archbishop of Canterbury."

Mr. *Sheridan* objected to the introduction of the first name. Notwithstanding all that the right hon. gent. had before described of the structure of the precedent of 1788, of which he was so fond, as being all that human wisdom could devise, he did not imagine that the right hon. gent. could have ventured to carry his attachment so far, as to propose the insertion of names rather than official situations. The right hon. gent. had now, it seemed, discovered, that in addition to the clerical errors in this famous Bill, it was not that grand structure which his imagination had fondly pictured—there was some more nonsense in it. Among other defects, it was discovered that there was no member of parliament in the council, and in order to remedy that defect, the right hon. gent. proposed his honour the Master of the Rolls, wishing, no doubt, to have a superabundance of law in the councils of her Majesty. Without meaning to speak in terms of disrespect of the Master of the Rolls, whom all must allow was a person of the most exalted character, he must be allowed to say, that in his opinion, there was too much of law already in the councils of her Majesty, and it could not be denied that law was an ingredient the least necessary there. It would have been more respectful to the House of Commons, if the right hon. gent. had named the Speaker of the House to fill the chasm. Looking to the precedent of 1788, he must say, that the whole of that proceeding was applicable to persons and not principles, and consequently highly objectionable. He would not speak with disrespect of the memory of Mr. Pitt, but he must declare that persons were the objects of that minister for appointing his Majesty's Councils, and not principles. There was this monstrous absurdity in the Bill of 1788, that the King's recovery might be announced or not. He could not avoid noticing the rapturous applause with which the gentlemen behind the right hon. gent. cheered the recommendation which that right hon. gent. gave himself, in order to fill the Prince Regent with the idea that he was the best minister he could have. He could not help admiring the very handsome character for honesty, ability, and fidelity which he was entitled to from serving his royal father; and he could not avoid in consequence, observing that the ambition of the right hon. gent. was to remain in the service of his royal highness. "Take me," said the right hon. gent., "I am the fittest person to manage your affairs; select me as your minister." The cheering, therefore, was not extraordinary, considering that the right hon. gent. had made so brisk and eloquent a canvass. He would bring the right hon. gent. to the test of his sincerity of attachment to the Prince. Would the right hon. gent. agree to the motion he should conclude with, and instead of names insert the titles of the officers? If he would not consent, then he must declare that the right hon. gent. was casting the most foul and unmerited reproach and suspicion on the Prince. Was the Prince so profligate as not to be trusted? Did the right hon. gent. suppose, that in case any of these great persons, viz. the Archbishops, or the Chancellor, or Chief Justice of the Bench, should die, that his royal highness would appoint successors not of the most distinguished character in point of talents and virtues? The right hon. gent. concluded with moving, to leave out the name of "Charles Manners." It then was to stand, "the Archbishop of Canterbury for the time being."

The *Chancellor of the Exchequer* said, he should consider himself very unfortunate if he could not defend himself on the new ground upon which he was attacked. In expressing his approbation of the precedent of 1788, he had never stated his intention of following it with a degrading and servile adherence. The right hon. gent. had recently given a highly-coloured description of the state of parties at that period, but had since somewhat altered the picture. But although the candour of the right hon. gent. in condemning both sides was to be admired, and although his account of that party, "quorum pars magna fuit," must be considered as coming from authority, it did not follow that the same credit was due to his description of the other. With respect to the question before the Committee, the principle on which the Prince was excluded from the custody of the King, was equally applicable to the Duke of York, though not precisely in the same degree. The test, as the right hon. gentleman termed it, which he had put him to, he disregarded; and trusted, that it would never impeach the sincerity of that respect which he felt for the dignified and reserved manner in which his royal highness had conducted himself on this melancholy occasion. But if it was proper that he himself (the Prince) should not have the custody of his Majesty, he did not see how it was proper that he should have the right of nomination to that trust.

Mr. *Sheridan* denied, that he had uttered any accusation against the persons with whom he had long acted. He had merely observed, that there had been in 1788 too much intemperance of debate on all sides; but with respect to the conduct of the minister of that day, his opinion had always been clear and decisive. Mr. Pitt openly declared that his measure was built upon principles applicable to persons, and that it was the Prince's probable advisers against whom he desired to establish barriers. The right hon. gent. had, in effect, admitted his argument, he had stated the measure to be one of precaution, and he (Mr. S.) would not scruple to pronounce it a wanton suspicion, and a foul distrust of his royal highness.

Mr. *Whitbread* observed, that the attempt of the minister was one that might have appalled a mind of a smaller size. He had brought the charge against his right hon. friend of having attacked and betrayed those with whom he had for many years concurred in public life. The right hon. gent. seemed to forget, that he, himself, on a former day had described the proceedings of 1788 as having been disgraced by 'factious heat,' and endeavoured to take advantage of a similar expression coming from that side of the House. He had thought proper to turn his arms against the conciliating neutrals, in preference to the hostile belligerent.—Now, to come to the question at issue, which was, whether the appointment to the situation of one of the council to the Queen should apply to the place or to the person? Taking this as applied to lord Ellenborough, for instance, he should say, that he did not think that the appointment should apply to him *nominatim*, but to the office. If he was worthy of being Chief Justice, he was equally worthy of the trust; and it was to attribute unworthy motives and unworthy conduct to the Prince of Wales, to imagine that he would appoint to such an office, any other person but one fully qualified from his character and previous situation and respectability, to assure the public that he should also be worthy of such a trust as that of member of the Queen's council. Gentlemen talked of the duke of York, or any of the royal family, being interested persons, and therefore not fit to be appointed of the council; but must not lords Aylesford, Winchelsea, &c. not feel themselves more interested if to be irremovable? When such a bill as this appeared on the Statute book, must it not be esteemed an imputation on the Prince of Wales, that such clauses as the present were deemed necessary to be introduced before any trust could be reposed in him?

Mr. *Adam* conceived this to be one of the most important parts of the Bill, except that clause which had been already objected to by his hon. and learned friend (sir S. Romilly). It did not go so much to what should be the rights of the Regent, but what they should put on record, as to what was their opinion of the Prince of Wales, signifying it to be this, that he would not appoint proper persons to fill the highest legal and religious situations in the country, but would select those who would be subservient to his own vile purposes. It would go to infer, that his royal highness would not select men to fill those important situations on account of the excellency of their character, but for the purpose of a job. When a person was to be appointed to fill the situation of Chief Justice of the King's Bench, was it not natural to suppose that the fittest person was to be selected? Was it not natural that the same course would be observed in the church? And if the members of this council were to be composed of the persons holding those situations for the time being, was it not naturally to be inferred that such were the fittest persons of whom this council could possibly consist? To infer that, though in general this might be the case, it would not be so in the present instance, was to throw out a suspicion against those who might be the Regent's advisers, or against the Regent himself.

Mr. *Herbert* supported the motion of the Chancellor of the Exchequer.

Mr. *Johnstone* thought the House justified in guarding against the Regent having the appointment of any of the members of the council of Regency. The Chancellor, however, being an officer removeable at pleasure, he saw no objection to the omission of the name of the present Lord Chancellor, as well as of that of the Lord Chancellor for the time being.

Mr. *Adam* agreed, that there was a difference between the Lord Chancellor and the other officers mentioned, who were not removeable. By naming as members of the council those high officers who were not removeable, the question would be taken out of the public observation; and it would not appear on record as it now did, that there was a suspicion that the Regent could be supposed capable of appointing counsellors from the basest of all motives, or of not dismissing such, if he should unhappily have the misfortune once to appoint them.

Mr. *Marryatt* supported the original motion, on the grounds stated by the right hon. mover—that it had been deemed inexpedient to place the guardianship of the sovereign in the Regent; that this was a contingency on that appointment, and consequently must be supported in the same way.

Sir *S. Romilly* observed, that the gentleman opposite seemed to suppose that the Regent, in the event of any of the four great offices mentioned in the clause becoming vacant, would, in filling them up, overlook all the great qualities which were necessary in the individuals to be appointed to them, and would consider only whether those individuals would be subservient to his wishes in her Majesty's council. If his right hon. friend persisted in following precedents, let him follow the precedents of the 24th of George II. and the 5th of George III. and not the inchoate precedent of 1789. In the two former cases, the members of the council of Regency were appointed not by name but by office. He was sure that it was not the intention of his right hon. friend to insult the Prince of Wales; but it was the interest of all to take care that his royal highness's character should be supported. If the clause should pass, as it originally stood, the public would suppose that the legislature suspected his royal highness of being capable of raising an individual to the rank of an Archbishop, or a Lord Chief Justice of the King's Bench, not because he was eminent for his piety or his learning, but because he was capable of prostituting himself to the most scandalous purposes. He repeated his recommendation to his right hon. friend to be guided by the spirit of the precedent which he had described.

The *Attorney General* could not refrain from disclaiming on his own part the calumny, that it was intended to do any thing disrespectful by his royal highness the Prince of Wales. It was impossible that any man who deliberately considered the provisions of the bill could be of that opinion. The principle on which the present clause proceeded was founded on the original principle, and admitted by all, that the Regent ought not to be the guardian of the King's person. It necessarily followed as an extension of that principle, that the Regent ought not to appoint those who were to be the guardians of the King's person. This proposition did not arise from the slightest distrust of his royal highness personally, but from the principle that no Regent should ever possess such a power. As to the precedents adduced by his hon. and learned friend, they were not at all applicable in the present instance, for those precedents referred to councils of Regency, who were invested with political powers, and who had nothing whatever to do with the care of the royal person.

Sir *S. Romilly* said he had been misunderstood by his hon. and learned friend. He did not say that in two instances alluded to by him, the councils had the custody of the royal person entrusted to them. He only cited them to shew that there the councils were trusted officially, not individually, and that the whole security the country had in appointing them who had been selected by the Regent himself to fill the first offices in the state, was merely because they were persons in high official situations; and because it was less probable there should be found such servile minions in the hands of a Regent, than if they were individuals holding no official situations of trust in the country.

It was then moved as an Amendment to the question, That the first part of the blank be filled up with the name of "Charles lord archbishop of Canterbury," that the word "Charles" be omitted, and the words "for the time being," be added. The original motion, however, was put and carried without a division.—Similar amendments were moved on putting the other names, Edward archbishop of York, James duke of Montrose, George earl of Winchelsea, Heneage lord Aylesford, Edward lord Ellenborough, and Sir William Grant; but the original motions were all agreed to.—Mr. Sheridan withdrew his opposition to the name of John lord Eldon, which was accordingly agreed to. He submitted that once every three months was not sufficiently frequent for the meetings of the council.

The *Chancellor of the Exchequer* said, these were only meant to be stated meetings. The council themselves might meet at other times when they found it convenient.

Mr. *Sheridan* observed, that the acts to be done by the Prince as Regent were to be signed G. R. per G. P. Rt. but the appointments even of members of the council were to be made in the name of the Queen herself. Would it not be more proper that she should also seem to act for the King, and to sign the appointments as per R. pro R.?

The *Chancellor of the Exchequer* thought this unnecessary, or rather absurd, as these were appointments which could only be made by the Queen, and never could be made by the King, becoming unnecessary the moment of his Majesty's recovery.

Upon the reading of the Clause making provision for filling up the Queen's Council, in case any of those named in the Bill should decline the trust, or resign,

Sir *S. Romilly* observed, that as one great cause of the appointment of these persons, was the security for the due performance of the trust derived from their high official situations, it appeared objectionable that they should be allowed to decline or resign at their pleasure.

The *Chancellor of the Exchequer* said, that it might possibly happen that some of them might find this charge inconvenient, with respect to their other duties, and therefore it would be rather harsh to make the charge imperative upon them.

Mr. *Sheridan* suggested, that as the Queen had the power of supplying vacancies in the council, as well as in the offices of the household, the signature should be G. R. by C. R. in order to preserve the appearance of doing every thing in the name of his Majesty.

Mr. *Adam*, reverting to the signature of the Prince of Wales as Regent, stated that he had communicated to his royal highness the opinion of the Chancellor of the Exchequer and the Lord Chancellor, that any signature which would answer the purpose, and would be agreeable to his royal highness, would be willingly agreed to. In consequence of this he had to mention, that it would be desirable that the signature should be as short as possible.

The *Chancellor of the Exchequer* said, that if effectual, the shorter the better; but they must take care to obviate scruples, such as those of Mr. Larpent.

Mr. *Whitbread* hoped the Chancellor of the Exchequer did not mean to speak slightingly of Mr. Larpent for his conduct with regard to the Seal.—(Mr. Perceval—Certainly not). There was no doubt, however, that the act of the legislature must obviate every scruple.

Mr. *Adam* thought, that according to the act, as it stood at present, the Prince would have to sign "G. R. by G. P. R." This would be very inconvenient, considering the numerous papers which the Prince would have to sign. He presumed that G. P. R. would be sufficient.

The *Chancellor of the Exchequer* acquiesced.

Mr. *Sheridan* remarked, that though the Queen was empowered to fill up the vacancies in her council, there was nothing to render this obligatory.

The *Chancellor of the Exchequer* agreed, that after the words "it shall be lawful for the Queen's Most Excellent Majesty," there should be inserted the words, "and her Majesty is hereby required."

The Clause, as amended, was agreed to.

On the Clause containing the Oath to be taken by the members of the Queen's council. Mr. Sheridan proposed, that in addition to the matters on which they were to advise her Majesty, the words "and as to the resumption of the personal exercise of the royal authority by his Majesty," should be inserted in the Oath.—This was agreed to, and the Clause passed, as amended.

In the next Clause, touching the duty of the Queen and Council to declare the state of his Majesty's health, Mr. Whitbread proposed, that they should be empowered to examine the Physicians on oath. Mr. Perceval thought that they should not only have that power, but that they should have the power of ascertaining the state of his Majesty's health, by every other means. Mr. Whitbread thought that the duty of examining the Physicians on oath, should be mandatory. Mr. Perceval thought this unnecessary. They were responsible, and would not neglect it. The Clause, thus amended, was agreed to.

Upon the Clauses regulating the mode by which his Majesty should resume the personal exercise of the royal authority,

Lord *Milton* felt it his duty to state his objections to the proposed mode. However ungracious such an assertion might be considered, he declared, that, in his opinion, a more solemn mode of determining his Majesty's restoration to health, and one more public and more satisfactory to the country, ought to be adopted. If it was necessary that his Majesty's illness should be substantiated in the most solemn manner before the measure now in progress was instituted, he thought it equally necessary that his Majesty's recovery should be substantiated in as solemn a manner before the operation of the measure should determine. By the Bill it appeared to him, that his Majesty was put completely into the hands of her Majesty and the Council, and however unbounded the confidence which he might entertain in those persons, he thought the tranquillity of the public mind required that they should not be vested with such extensive powers. By the three clauses of the Bill, it was impossible that his Majesty could resume the royal authority until the restoration of his health was certified by the Queen and Council to the Privy Council. His Majesty was then authorised under his royal Sign Manual, to call together a portion (chosen by himself) of the Privy Council, for the purpose of ascertaining whether or not the recovery was complete. He objected, first, to the power given to the Queen and Council; and then to the provision that his Majesty should summon only a part of the Privy Council. To the whole of this complicated machinery he had a great dislike, and he thought that the ultimate investigation by which the complete recovery of his Majesty was to be ascertained, had better take place in Parliament.

Mr. *Fuller* did not know what the noble lord meant by machinery. What would the noble lord have done? What did he wish? Did not the bill go on in all its stages, according to the rule by which it had been so accurately and nicely debated on a former occasion? If the bill was founded on the precedent established by one of the wisest men that ever lived, why not keep it regulated by his understanding, and by his comprehensive mind? He should, perhaps, have thought with the noble lord that an examination of the physicians by parliament would be better than an examination of them by the Privy Council, were it not that in the latter case they would be examined on oath, which in the former they would not. It might be said that by this observation he imputed to those gentlemen a disposition to say that to which they would not swear. Far from it; but in this case the House ought to be governed by great philosophical principles (A laugh). Gentlemen might laugh at that, but those were the principles on which the measure proceeded. It was a philosophical principle which restrained the House from appointing the Heir Apparent to the Crown as the guardian of the King's person, and which induced them to prefer the appointment of persons who could not be unduly influenced.

The *Chancellor of the Exchequer*, in reply to the noble lord, observed that the noble lord seemed to think that because the present measure originated in a parliamentary inquiry, the Regency ought not to be suspended but on a parliamentary inquiry. But there was a considerable difference in the two cases. That which was easy in the one would be difficult in the other. The Committee must recollect this important distinction, namely, that the measure proposed to the two Houses of Parliament, was to divest his Majesty, for a time, of the whole of the royal authority. It was impossible that they could consent to this, without ascertaining in the most complete manner, that the case was one which authorised their interference. But with regard to the resumption, his Majesty was entitled to resume the royal authority the moment that his health was re-established. It was his intention, however, to propose an Amendment to the clause, which, in his opinion, was defective, insomuch as it did not contain any provision, authorising his Majesty to interpose himself on the subject, and to institute an inquiry into the state of his health. By the clause, the Queen had the power of assembling the Council—by the Amendment introduced at the suggestion of the right hon. gent. opposite, the Council had the power of assembling themselves—to these provisions he thought ought to be added one by which the Council should be directed to assemble on the requisition of his Majesty. He stated this on principle, and not from the slightest doubt of the readiness of her Majesty to assemble the Council, or of the readiness of the Council to assemble themselves, should happily an occasion demand such a proceeding. Nor was it by any means his intention by this Amendment, to give his Majesty the means of getting rid of the Regency in any other way than by an investigation by the Privy Council; but only to enable his Majesty himself to put in motion that investigation. With respect to the resumption being founded on a parliamentary inquiry, such a provision would be attended with great inconveniences. If parliament were not assembled, they must be called together. A considerable time must intervene, before they could meet. He allowed, that in point of form, parliament, if prorogued, might be summoned in 14 days on a pressing emergency; but would 14 days suffice for assembling such a parliament as would satisfy the object of the noble lord? The bill provided, that the circumstances of the resumption of the royal authority should be submitted to parliament, immediately after the resumption had taken place. It looked so anxiously to that subject, as to provide that, in the event of a dissolution having taken place before the resumption, the members of the dissolved parliament should immediately meet, for the purpose of taking into consideration the circumstances of that resumption. He meant to fill up the blank respecting the number of the Queen's Council, by whose opinion, in coincidence with their own, her Majesty should be authorised to notify to the Privy Council, that his Majesty was restored to such a state of health as to be capable of resuming the personal exercise of the royal authority, with the word "Four." And he proposed to introduce as an Amendment, words to the following effect, "That her Majesty's Council should assemble in the presence of her Majesty, on his Majesty's royal will and pleasure being signified for that purpose."

Mr. *Fuller* repeated his objections to the word "machinery," used by the noble lord, and declared that he would not lend his hand to any machinery whatever. His idea was, that the House was to appoint a Regent, and that a Regent was not a King; and he contended that the precedent of the Revolution had been strictly followed in the present instance, and was infinitely preferable to the numerous precedents which an hon. and learned member (whom he allowed to be a very accurate and sensible man), had on a recent occasion heaped together like strings of red herrings at the door of an oil shop.

Mr. *Morris* contended that the judgment of both Houses of Parliament ought to be the sole ground on which his Majesty should resume the sovereign authority. In point of utility and propriety, it was impossible that a parliamentary investigation, after the resumption of the royal authority by his Majesty, could be justly compared to the parliamentary investigation before that resumption. He did not object to the proceeding originating in the Council. His objection was to the subsequent stage of it; and he maintained that the two Houses of Parliament ought to exercise the same discretion on the resumption of the royal authority as they had done on the suspension of it. He admitted that a parliamentary investigation might occasion some little delay, but he was persuaded that the inconvenience would be much more than counterbalanced by the advantages which must result from such a proceeding, and the impression that it would make on the mind of every man in the country that his Majesty was actually restored to perfect health. Such a mode of proceeding would also, he was convinced, be more congenial to his Majesty's own feelings. How was the fact to be ascertained in the Privy Council? The declaration of his Majesty could not be considered as sufficient. Was his Majesty himself to be examined by the Privy Council? In every point of view it was evident to him, that his Majesty would be placed in a much more mortifying and degrading situation, by an inquiry into the state of his health before the Privy Council, than by such an inquiry before the two Houses of Parliament? At the same time, he must unaffectedly say, that he was aware the general sense of the House was not with him in this opinion; he should therefore abstain from moving any Amendment, lest that Amendment should be rejected, and a precedent be thus recorded on the Journals, in his opinion, of the most mischievous nature.

Mr. *Sheridan* was rather at a loss to conceive what was the exact nature of the proposition which his noble friend, and his hon. and learned friend who had just spoken, meant to support. If they contended that his Majesty ought not to resume the exercise of the royal functions until parliament had examined into the state of his health, and if they at the same time proposed to leave in another quarter the power of proroguing or dissolving parliament, then, unquestionably, such a proposition would not, on principle, be the best mode of paving the way for the easy and certain resumption of the royal authority by his Majesty. He perfectly approved of the Amendment of the right hon. gent. opposite, by which his Majesty was empowered to originate the inquiry into his state of health; but he contended strongly against the power given to his Majesty to nominate the persons who were to enter upon the inquiry. Her Majesty, with the concurrence of four of her Council, when they conceived his Majesty's health so far recovered as to be capable of resuming the personal exercise of the royal authority, were to notify that opinion to the Lord President of the Council. The Lord President was to summon the Council. For what purpose? It would naturally be supposed to examine into the fact. No such thing. They were to be assembled merely to register the notification of her Majesty and her Council. A second Privy Council was then to be summoned in his Majesty's presence, consisting of any number of persons, not less than nine, "whom his Majesty shall name, and who shall be or shall have been members of his Majesty's most hon. Privy Council, and such persons so assembled shall be, and be deemed to be a Privy Council, for the purpose hereinafter mentioned." What was that purpose? To declare, if six of the nine agreed in that opinion, that his Majesty had completely recovered, and to put an immediate end to all the powers and authorities given by the Regency Act. Would such a proceeding be satisfactory to the people at large? Unquestionably not. If the state of his Majesty's health were to be investigated at all by the Privy Council, it ought to be investigated by a much greater number of that body, and his Majesty ought not to be authorised to nominate the members who were to enter on the investigation.

The *Chancellor of the Exchequer* complimented the right hon. gent. on the fair and candid manner in which he had brought his objections forward. In the principle of the clause itself they were agreed. It was proposed that when his Majesty and four or more of the Council were of opinion his Majesty was capable of resuming the exercise of the royal authority, that they should report that opinion to the Regent, who should immediately call a Privy Council to whom such report was to be communicated. The right hon. gent. had complained of the Privy Council not being possessed of authority to inquire into the fact. He had to observe that this plan was recommended, but as a means of recording and of registering the report of the Queen's Council. They were merely providing the means of announcing to the public the recovery of the King. Every facility ought to be given for doing so, and this he was convinced would be felt by no one more than the right hon. gent. opposite. They were then to decide on the mode in which the King should resume the royal power. As the King could do no wrong, some other responsible person must be found. It was therefore thought proper that six of the Privy Council should take upon themselves the responsibility of declaring his Majesty competent to discharge the functions of royalty. Those members of the Privy Council were to be regarded as pledging themselves to the people, that his Majesty was capable of again administering the government of the country. It was certain that there should be some form laid down for the resumption of power on the part of his Majesty, but that form ought to be the most simple and easy that could possibly be devised. Upon the whole, the provision as it stood was, in his opinion, as unexceptionable as it could be.

The question was then put, and the Amendment carried.

Mr. *Morris* stated that in the bill of 1789, the members of the Privy Council to be nominated, were not to be members of her Majesty's Council. This was omitted in the present bill.

The *Chancellor of the Exchequer* had no objection to the introduction of the words omitted. He had omitted it from an idea that the members of the Queen's Council were most likely to be best informed on the subject of his Majesty's recovery.

The remaining clauses were gone through without opposition. The filling up of the clause relating to the pensions and salaries chargeable on the Privy Purse, was postponed at the suggestion of the Chancellor of the Exchequer, till the Report of the Secret Committee should be received.—The blank left for the trustees of his Majesty's private property, was filled up with the names of the Queen, and the Keeper of the Privy Purse.

The *Chancellor of the Exchequer* brought in a clause respecting the Droits of Admiralty, to enable the Regent to apply them as they were applied by the King in ordinary cases, from time to time, namely, by giving a portion of them to the captors of vessels, and applying certain sums to the relief of cases of hardship, with the advice and approbation of the Lords of the Treasury.—The clause was carried without opposition.

Mr. *Ponsonby* observed, that the right hon. gent. seemed to think the bill would experience no further opposition. In this he was deceived, as he might expect the sense of the House would be again taken on its merits, on the bringing up of the Report, or on the third reading.

The *Chancellor of the Exchequer* had no objection to the sense of the House being so taken. He, however, presumed, that the right hon. gent. had no intention of taking the sense of the House that night, and he must know that the Report would be then brought up. He conceived it might be the intention of the right hon. gent. to take the sense of the House on the Report being taken into further consideration. The proceedings in the other House rendered it unnecessary for them to meet on Saturday; he intended, therefore, to propose a postponement of the further consideration of the Report to Monday, availing himself of the interval to get it printed, that it might be taken into consideration with greater ease.

Mr. *Ponsonby* intimated an intention of taking the sense of the House on the further consideration of the Report.

The House then resumed; when the Report was brought up and ordered to be taken into further consideration on Monday, and to be printed.

HOUSE OF COMMONS.

Monday, January 21.

[COMMITTEE ON PUBLIC EXPENDITURE.] Mr. *Bankes* rose and stated, that, in conformity with the notice he had given on a former evening, he rose for the purpose of moving the re-appointment of the Committee of Public Expenditure. Satisfied that there would be no opposition to his motion, he would not trouble the House by detailing the benefits which the public derived from the formation and labours of such a Committee. The members of the last Committee he wished to be continued on this, with only one exception—which arose from an hon. gent. who having been a member of the last Committee had since accepted of an office under government. Being burdened with official duties, he could not, of course, attend to the business of the Committee—and, besides, he (Mr. Bankes) thought it was not right that a placeman should be a member. He therefore wished that Mr. N. Vansittart should be substituted in the place of Mr. Peel.—The motion, "That a Committee be appointed, to examine and consider what regulations and checks have been established in order to controul the several branches of Public Expenditure in Great Britain and Ireland, and how far the same have been effectual; and what further measures can be adopted for reducing any part of the said Expenditure, or diminishing the amount of Salaries and Emoluments, without detriment to the public service:" was then put and carried; and the gentlemen who were members of the last Committee, with the exception desired by Mr. Bankes, were appointed to the present.

[SINECURE OFFICES.] Mr. *Bankes* rose to move for the re-appointment of the Select Committee, on Sinecure Offices, which had been formed in consequence of certain Resolutions passed by that House on the 31st of May last. To the former Committee, he wished the names of Mr. Wilberforce and Mr. Henry Martin to be added.

The Resolutions of the 31st of May were then read as follows:

"Resolved, 1. That for this purpose, in addition to the useful and effective measures already taken by Parliament for the abolition and regulation of various Sinecure Offices and offices executed by deputy, it is expedient, after providing other and sufficient means for enabling his Majesty duly to recompense the faithful discharge of high and effective civil offices, to abolish all offices which have revenue without employment, and to regulate all offices which have revenue extremely disproportionate to employment, excepting only such as are connected with the personal service of his Majesty, or of his royal family, regard being had to the existing interests in any offices so to be abolished or regulated.

"2. That it is expedient to reduce all offices, of which the effective duties are entirely or principally discharged by deputy, to the salary and emoluments actually received for executing the business of such offices, regard being had to any increase which may appear necessary on account of additional responsibility, and sufficient security being taken for due performance of the service in all cases of trust connected with public money; regard being also had to the existing interests in such office.

"3. That it is expedient, after the expiration of any existing interest in any office, which is entitled to the sale of any appointment in any of the courts of law, to make provision to prevent the sale of such offices, under such regulations as may be conducive to the public interest, by appropriating a part of the emoluments of such offices towards defraying the salaries of the judges, or other officers on the establishment of such courts, or towards the benefit and dignity of the offices in which such right of sale is now vested."

Ordered, That a Select Committee be appointed to consider what offices in the United Kingdom, and in the foreign dominions of his Majesty, come within the purview of the said Resolutions; and that they do report their opinion thereupon to the House:—And a Committee was appointed accordingly.

[REGENCY BILL.] The Chancellor of the Exchequer having moved the order of the day for the further consideration of the report of the Committee on the Regency Bill;

Sir *Francis Burdett* rose and said, that, when he considered all that had passed in the course of the proceedings, which led to this Bill, and upon this Bill, and with the view which he had of the principles upon which it was founded, as well as the object at which it professed to aim, he felt that he should not be doing his duty if he omitted to oppose the further consideration of a measure which appeared to him liable to so many objections. He objected to the entire report, but more particularly to that part by which the splendour of state, that should be attached to the executive power, was to be separated from it. This, in the case of a power intended to be of a temporary nature (which of itself necessarily induced weakness), was still more improper. He had before contended that the provision should not be temporary—and he was still ready to contend for the same principle. A permanent measure should have been produced; such as would have provided for any future exigency. This measure appeared to him to be a rash and dangerous experiment. But highly objectionable as it was in its own nature, it was rendered still more so by the manner in which it had been argued. Gentlemen in discussing this question seemed to argue it as a mere question of property; as if the King had a property in the powers of the executive branch of the constitution, instead of holding all his privileges and prerogatives in trust for the people and to be exercised for their benefit and advantage. It was the duty of the representatives of the people to maintain the integrity and permanence of a power flowing from themselves, and to rescue the country from the dangers that were hanging over it. It was the duty of the House to put an end as soon as possible to the vacillating state in which the government of the country had been kept for the last three months. The happiness and safety of sixteen millions of people were not to be risked by imposing restrictions upon the Regent and weakening his government. His Majesty in the course of the last twenty-two years had been four times in a state of insanity. Twice within that period the government was carried on in his name; although, from what since appeared he was utterly incapable of discharging the duties of a sovereign at the time. The King was insane with lucid intervals, the duration of which no man could calculate. Was this a state of the sovereignty in which it was advisable to cripple the powers of the Regent? Nothing could be more dangerous in his opinion, and he was surprised how the Prince of Wales could consent or be induced to accept of the Regency so restricted. Instead of putting him at the head of, and making him responsible for a weak government, they should give him augmented strength. If the government could be carried on by the Regent with diminished means, it might be also by the King. In the debates on the Bill the fears of the House had been dexterously directed to only one imaginary danger, namely, the possibility of serious obstacles to the resumption of the royal authority. There were many other considerations, however, more worthy of the attention of the House; for there could not be the least doubt that every facility would be afforded for resuming the sovereignty. But it was impossible that a divided and weakened government could go on with satisfaction to the country. For himself he must protest against making dangerous experiments to ascertain the minimum of understanding with which a King might carry on the executive government. The men who proposed these dangerous experiments, and who affected to call themselves the King's friends, could not adopt a more expeditious and direct mode for subverting that throne of which they had declared themselves exclusively the supporters and defenders. Viewing the question, therefore, in that light, and utterly disliking the course they were pursuing, he should most strenuously oppose the motion. What, he should ask, could be more calculated to degrade the kingly office in the eyes of the people, than the manner in which the ministers had thought proper to hold out the throne to them. For years the executive government had been carried on in the name of the King, though it was notorious that his Majesty was so infirm in some respects, that he neither could read the paper presented to him to be signed, nor affix his signature to it unless his hand was held and guided for that purpose, nor hold even a Levee. Now, then, when the King was labouring under an additional calamity, the issue of which was necessarily uncertain, it was most extraordinary to find the right hon. gentlemen opposite, anxious only to make provisions to secure the resumption of his power by his Majesty, who might perhaps never again be in a state to resume it. What would the country, what should foreign nations think of a government so circumstanced and so conducted? He should not think that he performed his duty to his constituents if he did not most strongly protest against the measure now before the House.

For the reasons he had just stated, it was his opinion, that, whatever measures the House adopted in this critical and perilous conjuncture, should be of a permanent nature. As many of his friends, however, were not disposed to agree with him on that point, he should not press it, and consequently it would be unnecessary for him to trouble the House on that part of the subject. With respect to the minor parts of the plan, he would make a few observations. Of these the regulations for the partition of the offices of the household appeared to him to be the most objectionable. If the influence arising from the power of nominating to these offices was, as it had heretofore been contended on the part of ministers, necessary for carrying on the government of the King, they were much more necessary for carrying on the executive government in the hands of a Regent. This experiment, therefore, to ascertain with how little power the government could be carried on, was rash and mischievous, and the time for making it most injudiciously chosen. In proposing this plan ministers had said that they did not take the characters of individuals into consideration, but that they proceeded upon the principle of establishing a precedent for future ages. In this he could not agree with them; this was a question above all others, in which it would not be useless to take character into consideration; and thinking so, he must declare that there could be no pretence whatever for the restrictions proposed. A great deal of the time and patience of the House had been abused in arguing the question upon precedents, when it was obvious that there was not one of the former precedents which bore the least analogy to the present case, except the famous precedent of 1789. That precedent had been pretty well exposed in a former debate by a member (Mr. Sheridan) who took a distinguished share in the proceedings at that time. He had shewn that this famous precedent was any thing but what it professed to be; that, instead of being a combined effort of wisdom and constitutional principles, it was a vile job perpetuating the power of the then ministers, or at least of preparing the way for their return to office, by putting it out of the power of their successors to carry on the government in the crippled state to which it would be reduced by the restrictions proposed at that period. But on an occasion of such peril and difficulty the House was bound to discard not only this but all other precedents from their consideration, and once for all come back to common sense and common understanding. The powers vested in the executive government were either more than were necessary for carrying it on, or they were barely sufficient. If they were more than was necessary, let them be diminished, whether in the hands of a Sovereign or of a Regent; but if, as was generally maintained, they were only what were absolutely necessary for the support of a vigorous government, let them not be curtailed in the hands of a Regent, to the infinite danger of the country. The advocates for these Restrictions would do well to recollect, that they had not the same means of recommending and supporting them as the author of the plan of 1789. At that period the minister contrived to become the popular champion, and to have the popular cry in his favour; but the authors of the present measure had not the talents to excite the same enthusiasm in their favour. The apathy of the people on this occasion they construed into approbation of their proceedings. He could not account for this apathy; but he knew enough of the public sentiment to say, that it was adverse to a government with weak and divided powers, and consequently to a crippled and restricted Regency. He would not longer trespass on the time of the House by any observations on the fiction by which the Great Seal was to be put to a commission for opening parliament, and the various pretexts that ministers had had recourse to during the last three months, for the purpose of gaining time and turning it to their own advantage. It was impossible that the country could derive any benefit from the measure proposed, every part of which was objectionable. So far, therefore, from proceeding in it, the right hon. gent. would do well to recollect, that the same means by which he got a parliament to support him would soon be in the power of his political opponents, and that they might get a parliament to undo every thing that was now proposed. The proceedings, altogether, he considered as a mere pretence for delaying the settlement of the government; which, however advantageous it might be to the gentlemen on the ministerial benches, he considered as likely to be productive of very great inconvenience and danger to the country. For these reasons he should object to the Report lying on the table, but he would not take the sense of the House on the subject, as he considered it hopeless. He concluded by entering his protest against the whole of the measures pursued.

Mr. *Lockhart* said, he drew a very different conclusion with respect to the feelings and conduct of the people on the present occasion, from that stated by the hon. bart. He did not attribute their silence to despair. He looked upon it as arguing a firm reliance on the wisdom and integrity of the House—a conviction that they would do every thing for the benefit of the kingdom. The hon. bart. then seemed to think that parliament acted upon this measure as if it had been a mere question of property—and that the interest of the people had been neglected. But he (Mr. Lockhart) thought, that the major object, both in the eyes of the House and of the public, should be a proper provision for his Majesty's resumption of his royal authority, as soon as his happy restoration to health should enable him personally to exercise its functions. The hon. bart. had expressed his disapprobation of the provision which went to separate the influence of the crown from the person to whom the executive power was to be committed; but the hon. baronet should recollect, that the House in this point had no alternative, or if it had, that it was, in truth, a choice of evils. It was necessary that the House should pursue that mode which appeared the least objectionable. So far, however, from the proposed measure weakening the Regent's government, it would give it greater strength and stability. For if the people thought the King were abandoned, it would bring the Regent's government into contempt—and the retaining a certain degree of splendour around his Majesty was the best mode of shewing that the period was anxiously looked for when he would be able to resume his authority. But he could not conceive that the government of the Regent was likely to be weak. He was convinced there would be no factious opposition made to it in that House—every man would exert himself to the utmost in support of constitutional measures. The hon. bart. had complained, that the present was not a permanent measure—but the House never considered they were in a condition to produce any such measure—they were only called upon to legislate for the case before them—and a future parliament in any case which may hereafter occur, would have an opportunity of acting as circumstances might require. The hon. bart. had asserted, that the House were trying an experiment to ascertain with what *minimum* of understanding government could be carried on: but was that the fact of the case? The Council which was appointed to assist the Queen proved the contrary; and it was unjust in the hon. bart. to make the assertion. There had been a sort of charge made against the right hon. gent. below him (the Chancellor of the Exchequer) that he had adopted the present measure for the purpose of creating delay. Argument certainly was not refuted by recrimination; although he (Mr. L.) might say there were gentlemen at least as desirous of getting into office, as he (the Chancellor of the Exchequer) was to retain it. (Hear! hear!)—But he was sure that he (the Chancellor of the Exchequer) never had been influenced by any such view. If he had, he believed he would have been able to have effected that object in a different manner. That right hon. gent. had also been accused of too closely following the principles of a great statesman (Mr. Pitt) now no more. He, (Mr. Lockhart) believed he had only followed his own ideas of loyalty to his Sovereign and of integrity to his country. However, to use the words of Mr. Burke, "In every difficulty of his life, he might think of that accusation as a consolation."

Sir *T. Turton* looked upon the Bill as being full of constitutional anomalies and gross absurdities—and as insulting to the illustrious personage whom they were about to raise to the situation of Regent as it possibly could be. They had taken from him those officers who were most proper to support the splendour of the kingly office—and they had placed them where they could be of no service—for it could not be contended that such officers as the Master of the Horse and the Master of the Buck-hounds could minister to the comfort of his Majesty. He (sir Thomas) should have thought, after the dignified answer of his Royal Highness to the deputation which waited on him, that he should have received all the benefit of the former Resolutions. But he was most unfairly treated; the present Bill being, in a very great degree, different from the Resolutions on which it professed to be founded. The principle on which one of the Resolutions proceeded, was "to preserve entire the royal authority;" but were they doing so when they restricted the regal authority in the hands of the Prince, and denied him those officers who were necessary to the splendour of the kingly office? Suppose the Prince should say, "I was willing to sacrifice every thing, and to accept of the arduous situation of Regent, under the impression that you would not have varied from the Resolutions—but now I find the bill very dissimilar?" (Hear! hear!)—He would be justified in saying so. On no principle of probity, as between man and man, could the conduct pursued towards his Royal Highness be justified. It was highly insulting, and he therefore must solemnly protest against the whole proceedings from beginning to end.

The Speaker then proceeded to read the Amendments which had been made in the Bill while in the Committee. When he came to the clause limiting the time to the 1st of Feb. 1812,

Mr. *Ponsonby* moved, "That instead of the 1st February 1812, and six weeks after,"—"six months after the passing of the present Bill" be inserted—which was negatived without a division.

On the clause as amended in the Committee with respect to the disposal of the King's Household being read,

Mr. *Ponsonby* again rose and said, that he particularly wished to call the attention of the House to that clause, and also to the nature of an Amendment which it was his intention to propose to it. He begged gentlemen would consider seriously the provisions of this clause, as well as the effect, which if ultimately agreed to, they would necessarily have. By the provisions of this clause the whole patronage of the Household, with the exception of two offices, would be placed under her Majesty, although the Resolutions of the two Houses of Parliament, on which the Bill containing this clause was founded, said, that nothing but what was necessary to the King's comfort and convenience, should be placed at her Majesty's disposal; and that the remainder, which was necessary to support the dignity of the crown, should remain with the Regent. As far, therefore, as the present Bill went beyond this doctrine laid down in the Resolutions, so far was it not only not consistent with the opinion of the two Houses, but in direct opposition to that opinion. In the Committee this subject had undergone considerable debate, and he as well as others had proposed certain amendments to the clause then under consideration. To his Amendment particular objections had been made by some of those, who, however, were not friendly to the clause as originally introduced; and to one or two of these objections, urged by an hon. gent. (Mr. Huskisson), to whose perspicuity and knowledge on every subject on which he chose to deliver his opinions to the House he was ever willing to attach much weight, he had since that period turned his attention. That hon. gent. from the situation in which he lately was placed (of Secretary to the Treasury) was enabled to form an accurate judgment on the points connected with the detail in the expenditure of the Household establishment. He had consequently attended to what fell from him, and had endeavoured to frame the amendments he had now to move, in such a manner as to do away the objections that hon. gent. had stated to that which he formerly proposed. The first of these objections was, that the plan proposed would go to the erection of a new board, under the controul of the Groom of the Stole, not connected with nor responsible to the civil establishment of the Household, and enabling the Groom of the Stole to order and incur expenses, independent of the three great officers of the Household—the Lord Chamberlain, the Lord Steward, and the Master of the Horse. On examining this objection of the hon. gent. he became convinced that it was well founded, and more particularly when he considered the great care and pains which had been taken by Mr. Burke, in his proposed financial regulations, to provide that every great officer of the Household should be answerable for the expenses incurred in his department. It had also been objected to his former amendment by other gentlemen, that the great officers to be left to the Queen had not been specified in the Resolution; and to meet this objection he had framed his Amendment so that those given to her Majesty should be distinctly specified, as well as those officers who were to be transferred to the Regent. He had taken care too that the expenditure in their respective departments should still be under the three great officers already named; and that there should be introduced no a new mode of accounting for the expenditure, and no new charge imposed on the public.

His next amendment went to leave out the whole of that passage which related to the non-appointment of a Lord Chamberlain by the Prince of Wales, and to the Vice-Chamberlain continuing to act for that great officer. It had been talked about in the Committee, that the Regent should appoint his own Chamberlain; but he was really at a loss to know what was meant by this. The Lord Chamberlain was as old an officer as was known to the common law of the land; and since there was a Monarch on the throne he had been attached to him. His duties and powers were defined by the common law, as well as by statute, and the nature of his office completely known; but what powers or duties were there known to attach to the Chamberlain of a Regent? Yet even further than this uncertainty in taking this appointment from the Regent, no small power was taken away from the executive government. The Lord Chamberlain had other powers beyond those connected with the Household. For instance, he had the power of licensing dramatic performances; and were they to take the appointment to this office from the person exercising the office of the first magistrate? He did not mean to say it would be so; but it might happen that a Lord Chamberlain would license plays calculated to bring the Regent into contempt; and they knew from history what a powerful political instrument the stage was capable of being made. His Amendment then, as now framed, would do this—it would go to specify all the officers put under the controul of the Queen, giving to the Regent all the others, and this it would be observed was very different from the provisions of the bill as now worded, for it gave all to the Queen, save those "hereinafter mentioned." When these were afterwards defined, he would ask what officers were left to the Regent?—Only two officers of very little importance, the Captain of the Yeomen of the Guards, and Captain of the Band of Pensioners; and all the others, in direct opposition to the Resolution on which the bill ought to have been framed, were to be vested in the Queen. In the specification which he should make he would propose that the Groom of the Stole, the Master of the Robes, the Keeper of the Privy Purse, and six Lords of the Bed-chamber, such as her Majesty, in a declaration in writing to the Regent, should select and declare to be necessary for the attendance upon the King; also the Equerries, and so many of the inferior officers under the Lord Chamberlain, Lord Steward, and Master of the Horse, as her Majesty in a similar declaration should state to be requisite for his Majesty's comfort, &c. during the continuance of his indisposition; all these officers would be under the control of the Queen; but the direction and controul of the expenditure would be in the same state as if this act never passed. Thus the two objections urged against his former Amendments in the Committee would be obviated. If these Amendments were carried, he would next move, that her Majesty should be enabled to appoint successors to all those officers put under her controul by this act, rendered vacant either by the death or resignation of those who held them. He would also move, that the words "herein specified" should be inserted for the words, "herein not excepted;" and after the words "his Majesty," to leave out all the rest of the clause.

The effect of these Amendments would be this—the Queen would have the controul over those named as necessary for the due attendance and personal convenience and comfort of his Majesty, and all the rest would be left to the Regent. All doubt would be done away as to the question to whom every officer should belong, and the whole arrangement would be made as specific as possible. It had been thought by some hon. members, that it would be better to leave this clause general at present, and to particularize the distribution of the Household in some future act; but to this course he felt two strong objections—in the first place because it was very disagreeable to legislate on so delicate a subject more than was absolutely necessary; and in the second place, because it must give rise to very invidious reflections, to prevail on the Queen to accept an important trust and not to name the officers to be placed under her controul till after the Regent's Government should be seated in the House. But the mode he proposed obviated all suspicion on this head, and he could see no reason why they might not as well, now they were upon the matter, settle all these points definitively. He could not anticipate what objection could be made to the proposition he submitted. It surely could not be said that the Resolution originally intended to assert that all the great officers of State were necessary to the comfort of his Majesty in his present situation. It could not be said that those attendant upon the exercise of the great functions of the sovereign were necessary to his Majesty, who was declared incapable of any business, or of meeting his parliament, rather than to him who was appointed to execute his authority. It could not be said that all the regal attendants were necessary, under the calamity with which his Majesty was afflicted, far less those who administered only to the royal amusements. He would like, for instance, to hear a reason assigned for giving the Master of the Buck Hounds to her Majesty, or why that officer was necessary for a person whose unhappy state precluded him from such amusements. Upon the whole, this question had been so much argued, and the House, he was sure, must be so tired of the discussion, that he would not trouble them further upon it. He hoped he had made his Amendments clearly understood, and that was all he wished to do. The House, he trusted, would, and he called on them to do so, ponder well on what they were doing. They would have to answer to the present race and to posterity, for framing a government so crippled and curtailed as to render it almost impossible for it to fulfil the mighty trust reposed in it.—If they thought this right, they would do the act; but if they did so, he would venture to say they were the only persons in the community, who felt in that manner. The right hon. gent. concluded by moving his Amendment.

The *Speaker* stated, that the first questions to be put must be to get rid of the words proposed to be left out to make room for the Amendments.

Mr. *Huskisson* allowed, that so far as the modification of the hon. gentleman's

Amendment tended to remove the confusion which his Amendment, as proposed on a recent evening, would, if carried, have introduced into the payments of the Civil List, that modification met with his concurrence. To the opinions which he felt it his duty to throw out in the Committee he was glad to find the right hon. gent. attached the weight to which he had thought them entitled, before he ventured to obtrude upon the Committee by stating them. With respect to the Bill itself generally he had to observe, that, according to his ideas upon the subject, the House had three great objects particularly to attend to. The first was the guardianship of the royal person, and the suitable proportion of state splendour that might be thought necessary for the comfort and dignity of his Majesty. The second object was, to transfer to the Regent as much of the executive power and influence as might be thought necessary to the vigour and due exertion of the existing Government. And the third object was, to provide, as effectually as possible, for the re-assumption of the royal authority on the part of his Majesty, with all the necessary facility, on his recovery and restoration to health. Having these three objects in view, he had voted for the original Resolutions, and had conceived, that all of them in the framing of the Bill would have been duly attended to. As the Bill, however, now stood, the second object was in a great measure lost. —In the clause of the Bill under discussion, as it now stood, they had stripped the Regent of that power and influence which were indispensably necessary to enable him effectually to carry on the affairs of government with vigour, and gave to the Queen more than, in his opinion, was really necessary to accomplish the security and accommodation of the royal person with the state necessary to the King in his present circumstances, and the means of his resuming, on his recovery, the royal functions and authority. This was the great ground of his objection to this part of the Bill. It placed under the power and controul of the Queen some of the officers of the household that were not necessary to add to his Majesty's personal comfort and dignity, and that did not go to secure his Majesty's return to power. If therefore these officers were withheld from the controul of the Regent, and were not in themselves necessary to contribute to the first object he had mentioned, the care and comfort of his Majesty's person, they had not acted, he contended, up to the spirit of their original Resolutions.—Sure he was that some of the offices withheld from the Regent were not necessary to her Majesty as guardian of the King's person. On this principle he objected to any compromise or division of this influence, which some gentlemen seemed inclined to support. All that was necessary for the Queen in the circumstances in which her Majesty was to be placed, he would grant; and all that was necessary for the due exercise of the regal authority, in the person of the Regent, he would in like manner admit; but he would protest against any thing like a division of the executive influence and authority. There were some gentlemen that had been in the habit of asserting that the influence of the Crown was too great, whatever might be the ground of their opinion on this subject, and however much disposed they might be to diminish that influence, he was certain that they would not say that to divide that influence was the proper way of diminishing it. He was certain also that the present was not a proper time to introduce any such reduction. It was necessary that the Prince Regent should have all the fair and accustomed influence of government; and if the Bill should pass as it now stood, abridging that power and influence so considerably, it would be necessary that some means should be afterwards found to remove the obstacles thus created, and to add to the influence of the executive to the degree necessary for the practical exercise of its arduous and important functions. There were others however, who thought, and according to his view of the question justly thought, that the influence of the Crown was not too great, and to these gentlemen it would be altogether unnecessary to say, that this clause of the Bill would, on this principle be the more objectionable. If the present acknowledged influence of the Crown was not too great, it would be highly impolitic to diminish and abridge it in the person of the Regent. If it was his opinion that the influence of the executive was not too great, he must look with jealousy and apprehension at any measure that went either to abridge or divide that power, and of course to render the executive less efficient.—He contended particularly against the part of the Amendment which went to impose on the Queen the necessity of selecting a certain number of the Household, of the Lords and Grooms of the Bed Chamber. This was a task of too difficult and delicate a nature, he conceived, for her Majesty, and if such a division should be thought necessary, argued that it should be provided for by the Bill, without imposing on her Majesty the painful and difficult task. Much had already been addressed to their feelings, on the circumstances in which his Majesty would find himself, on his recovery, if deprived of all his favourite servants. He did not say that such a consideration was wholly improper, but he did not conceive that this measure would obviate the objection. How was the Queen to judge which six of the twelve Lords of the Bedchamber would be most acceptable to his Majesty on his recovery? It was imposing an *onus* on her Majesty which the House itself in this instance declined. If six were therefore to be removed, the same difficulty in this respect might exist as if the whole were to be removed, and the question would still recur, if the remaining six were at all necessary to the King's personal comfort or dignity in his present circumstances. According to the spirit of the original Resolutions, they ought to avoid giving any political power to the Queen that was not necessary for the greater security and comfort of his Majesty's person. The sovereign authority ought not to be weakened by being divided, and all the necessary influence ought to be vested in the person of the Regent, from whom they expected the executive functions to be performed in all their due vigour and energy. He approved of leaving the whole controul of the Household so far as related to his Majesty's person, under the Queen; but for more power or influence than referred to this certainly important trust, he could not see any necessity. He therefore opposed the amendment, which would throw on the Queen an unnecessary *onus*, and a painful task, which, if necessary, the House ought to take upon themselves.

Mr. *Rose* repeated what he had advanced on a former evening, that nothing could be more accurately defined by law than the regulations of the Civil List, and the King's Household. The amendments moved, were moved, he thought, to get rid of what was not in the least objectionable. The right hon. gent. had started an objection to the proposed arrangement on account of its being the province of the Lord Chamberlain to license plays and public spectacles. That business, he would observe, was managed in a separate department by a gentleman whose name had of late become familiar to the House (Mr. Larpent.)

Mr. *Brand* said, he was sorry to trespass on the time of the House for the few minutes he would have to detain them; but considered himself happy in having an opportunity of delivering his opinion after the hon. gent. opposite (Mr. Huskisson), on whose authority he could rest his decided opinion in stating that the bill did not correspond with the resolutions agreed to in the convention which preceded parliament. When they in that convention (for in effect it was really a convention and nothing else) had voted that they were the full and free representation of the people, he had abstained from delivering his sentiments on that point; but he was convinced of this, that whatever they were, the parliament which was convened in consequence of their acts, was bound to frame its bill consistently with, and conformably to their resolutions. On the minor points connected with this discussion it was not his intention to detain the House; but on this, where they were set completely at variance with the resolutions, it was time to make a stand for consistency and the constitution; and it was in this view he felt it his duty to enter his protest against the measure.—There were three points which appeared material to be attended to in this discussion—the first, the general constitutional question—the second, the difference between the bill and the resolutions on which it was framed and the effect that it might have with the other branch of the legislature, as both Houses had agreed to the resolutions, with an understanding that the bill should be framed accordingly.—And the third, the effect this change might have on the determination of his royal highness the Prince of Wales, who had consented to undertake the government upon an offer not consistent with those clauses now proposed to be altered. He might, perhaps, add a fourth consideration, viz. the effect it would have on the practical government to be thus shackled and crippled so as to render inefficiency almost unavoidable. On the first of these points, which unlike the others had not been much discussed, he would beg leave to offer one or two observations; and he trusted, that what he had to say on the subject of the constitutional question would not be thought too warm or intemperate. If a minister in a Committee on the State of the Nation should admit the necessity of appointing a Regent, and wishing at the same time to preserve his own power, should afterwards take care, by his influence, that the Regent should be so shackled, as either to render his government inefficient, or wholly dependent for support on that minister, what would be the necessary consequence? The Regent would merely have the name, but he could do nothing without the assistance of this minister, and would moreover find himself so shackled by the clauses of a bill such as this, that he must lend his name and authority to proceedings that would not be his own. Such exactly was the present state of the question. Ministers had yielded to the wishes of the nation, in assenting to the appointment of a Regent, and the convention of the two Houses of Parliament had agreed to certain resolutions as the basis of the Regency. Ministers, however, had afterwards brought in a bill of a different nature, and now asked their assent to it, though evidently calculated to continue their own influence, and to defeat the great object of the measure. The power of the convention, he contended, was greater than that of parliament itself, and they had no right to do away any principle to which that convention had agreed, and on the faith of which they were now acting. With respect to the Regent himself the same difficulty occurred. It had been thought necessary to consult the Prince by address, in order to learn if he was disposed to accept the Regency on certain principles. His royal highness's assent had been obtained on those principles, but they were now very materially altered, and it would, therefore, be necessary to ask him again if he would accept the Regency on the new terms; and what right had they to conclude that he would give his assent, when they had so altered one of the leading principles? Did any member of that House contemplate, when he voted for the resolution respecting the Household, that no part of the Household was to be placed under the controul of the Regent, but the Captain of the Yeomen of the Guards? They had certainly no right, at that time, to draw any such conclusion; and the Prince, perusing the resolutions, could still less conceive that such a departure would be made from their original proceeding. For his own part he imagined, that pursuant to the spirit of that resolution, nothing that was thought necessary for the dignity and state of the Sovereign would be withheld from the Regent. It might be said that a new Household might be appointed for the Regent; but this would not by any means have the desired effect, as the old Household would be a counterpoise to the new, and might be employed in hostility to the Regent's government. It would so tie down the Regent that he could not carry on the government with sufficient energy. If the members of that House did not see the mischievous effects that might result, they were, he contended, the only individuals in the nation that were blind to the consequences. It would render the government of the Prince ineffectual, and was contrary to the contract on the faith of which he had undertaken the government.

Mr. *R. Dundas* was of opinion that the gentlemen opposite gave to the restrictions in the Bill an importance that, in his estimation, they could not bear. It had been said by an hon. baronet, that these restrictions, in such perilous times as the present, were extremely dangerous, as they had a tendency to weaken the government, and render the necessary vigour impossible. The argument seemed to him, however, too absurd to admit of refutation. What connection had the Lords of the Bedchamber with the vigour or activity of government? or what prejudice could the government experience from certain parts of the household being attached to the person of the King, instead of the Prince? It had been said that they ought to speak plainly on this occasion, and he had no objection to speak openly and plainly, as he thought, and would ask what was the power proposed to be vested in the Queen, that could admit of objection? The regulation was only to continue for a twelvemonth, and what advantage could the Queen derive during that period? Was it possible that her Majesty could have or exercise, from this restriction, any influence prejudicial to the government of the Regent? Why did not these gentlemen state what those prejudicial effects were likely to be? He agreed with a right hon. friend of his, that it would be imposing an odious task on the Queen, to call on her Majesty to make any selection from the Household, pursuant to the proposition that had been made by the right hon. gent. opposite. It would be imposing a painful duty on the Queen, and he should be better pleased to see the right hon. gent. himself make the selection, which, however, he did not believe that he would wish to do.

Sir *John Newport* contended that they had no right to conclude that this restriction was only to operate for twelve months, as the clause of the bill in question contained no such statement. He had expected that the right hon. gent. would have answered the objection brought against the clause of the bill, from its being contrary to the original Resolutions. In this expectation, however, he had been disappointed, as no attempt had yet been made to reply to it. He contended that this part of the bill, if admitted, would be a fraud committed against his royal highness, as his consent had been obtained on a very different principle. The very exceptions that were made now, formed the ground work of the Bill. No answer had yet been made to the hon. baronet, who had so fairly stated that either these accompaniments of the royal state were necessary to the exercise of royalty, or not necessary. If necessary, they ought to be vested in the Regent; and if not necessary, they were a useless ostentation and expence. By this Bill they acknowledged they were unnecessary. They did not, however, take them away, but proposed to place them in other hands, as a counterpoise to the exercise of the executive functions. They had been told that the Household could have no influence on the executive; but it was well known that there were twenty six belonging to the other House of parliament, and six in that House, who had places in the Household, and considering how votes sometimes went, he would ask any man if this was not a considerable influence against any government that might be formed, should they have any motive to exert it. He contended, that ministers had broken their engagements, and defrauded the House, by the clause in the bill now objected to.

Mr. *Yorke* thought it unnecessary to say much, as the subject had been already so thoroughly discussed. It had been contended, he observed, by the gentlemen on the other side of the House, that the bill was not founded on the Resolutions, and was something amounting to a fraud on his royal highness, by violating the conditions which he had accepted. These assertions he must utterly deny, both in point of form, and in point of fact. In point of form, the Bill was ordered, without any reference to the Resolutions adopted in the Committee. He would admit, at the same time, that regard was to be had by the framers of the Bill to the spirit of the Resolutions. What, then, was their letter and spirit? Why, it was, that such a portion of the royal Household should be placed under the controul of the Queen, as parliament might deem necessary for the maintenance of the royal dignity, and the personal comfort of his Majesty. In the Resolutions, there was nothing specified as to what that portion should be; and the question now before the House was, whether that portion should be of greater or less extent. On that head, he and his friends were not bound to adopt whatever gentlemen on the other side might think best. The Resolutions admitted of contrariety of opinion, as to the greater or less portion of the Household to be given to the Queen. There was no specification in the Resolutions, none in the general understanding of the House, and none to govern those who framed and brought in the bill. Where, then, was the fraud of which some gentlemen had talked so loudly? He had all along thought, that the more the subject of the Household was discussed, the more difference of opinion would exist about it. From the first, therefore, he was firmly of opinion, though he had conceded to his right hon. friend, that the whole of the Household should be entrusted to her Majesty, though he admitted it was proper that she should not possess the power of removal. In this state it would have remained till the expiration of the twelvemonth; and then, if his Majesty had not recovered within that period, the whole of it should have been transferred to the Regent. As to influence, when the Queen was deprived of the power of removal, and the Regent put in possession of the royal prerogatives, he would ask any man, where was the danger of that counterpoise which had been so much dwelt upon.

Mr. *Whitbread* observed, that the right hon. gent. seemed at last to have got over all his former difficulties in accepting the clause. But he would ask whether when the Resolutions were presented to the Prince for his acceptance, his Royal Highness could conceive, that so contemptible a portion of the Household was to be given him, that he was only to be attended by the Beef-eaters and the band of Gentlemen Pensioners; while the whole of the great officers of state, all those which conveyed political influence, were to go over to the Queen? He had formerly stated, that the House had departed from their own Resolution—that they had practised a fraud upon his Royal Highness. They were now come to that very point which would be a touch-stone of their own consistency, and the standard of their authority with the public. It now remained to be seen, whether the House of Commons was about to give effective strength to the government of the Regent, or to place him as it were in the hands of the present minister, or give that minister the power to create an opposition that would be banefully powerful against the Regent himself. But the House was told that the Limitation was fixed for a time, when it would at last expire; just as if the very mode in which that expiration was to take place was not to provide an egg of discord that must be fruitful in contention and embarrassment to the existing government. An hon. and learned gent. had told the House that there should be an influence distinct from that of the Regent, otherwise there would be no power left to his Majesty to force himself again into his seat of royalty. When the people, in future times, should look back on the history of those proceedings, nothing would astonish them more than to hear that any difficulties of that sort could have been dreaded or suspected for a moment: and if they were actually apprehended, what miserable expedients have been adopted to prevent them! No one could wish more than he did, for the immediate recovery of his Majesty—not only from feelings of attachment to his Sovereign and from a sense of the embarrassed state of public affairs, but to extricate the Regent at once from that lot of pain and sorrow which he foresaw must await him in a government so circumscribed and crippled. The right hon. gent. had made a provision, that for the present there should be no Lord Chamberlain; and had even thrown out a taunt that the Prince might make a Chamberlain of his own. But what sort of a Chamberlain would he be, when destitute of all the powers of office—merely for the purpose of empty parade, to walk before the Prince with his white wand—a Chamberlain from the toy-shops? It really astonished him to hear some gentlemen contending, that the buck-hounds should be retained for his Majesty, who, even were he in health, could not partake in the amusement. Could any thing be more ludicrous, than to hear a gentleman gravely get up and maintain that such an appendage was any way necessary to the dignity, or personal convenience and comfort of his Majesty? With regard to the Lord Chamberlain, that office was, it appeared, to be dormant for a time, but all the patronage was to be vested in the Vice Chamberlain. Did the House really recollect some of the patronage of the Lord Chamberlain? He appointed, for instance, many of the officers about the two Houses of Parliament; the Usher of the Black Rod and his deputies, the Serjeant at Arms of the House of Commons, and to other offices which certainly gave him considerable power. Were these offices at all connected with the dignity or comfort of his Majesty? If they were not, why should the Regent be deprived of the power of filling up that great office of state, or his government divested of the constitutional influence belonging to that high office?

For his own part he was ready to confess, that he had uniformly contended that the influence of the crown was much too great and ought to be diminished; but he would not allow, while this degree of influence actually existed, that there was any inconsistency whatever in maintaining, that it should be all vested in the Regent rather than in any other person. He never would aim a side blow at the influence of the crown, nor make an underhand attempt to steal away that which should at least be openly aimed at. If there were any men disposed to resort to such insidious and clandestine methods, the right hon. gent. opposite had set them the example; for he was divesting the crown of its lustre, and endeavouring to make the experiment how far the regal power could go on without political influence attached to it. It was also to be considered, that all the appointments of the Lord Steward and of the Master of the Horse, were connected with a very large expenditure of the public money. Was it no diminution of political influence to deprive the Regent of all such appointments? An hon. and learned gent. who usually felt very sore when hit in debate, though he had no hesitation in hitting as hard as he could whenever it was in his power, and who had done him (Mr. W.) something like an honour when he called him the "ornament of democracy," that learned gent. had asked, how long time it would take to beat down an administration. He (Mr. W.) and his friends had been attempting it for the last four years, and hitherto without success; but when unfair means were resorted to on a former occasion, it did not require more than twelve months. With the patronage, however, which the right hon. gent. would possess by the present bill, any administration of the Regent must be demolished in less than one session of parliament, and none but that right hon. gent. himself could conduct the government. To prove this it was only necessary to look at the list of those persons who were to belong to the Council of the Queen, at the head of whom was John lord Eldon; and then the right hon. gent. himself, who certainly in the course of this business had shewn the most pre-eminent talents for debate—talents which he (Mr. W.) always believed him to possess, but which had never, till now, been displayed in so conspicuous and striking a manner, would be a most formidable opponent of the Regent's government. Sorry, therefore, he most unquestionably was, to think, that these great talents were likely to be employed against any new administration, particularly when backed as they would be by all the power and political influence proposed by this measure to be withheld from the Regent.

There could not, he was persuaded, any good reason be assigned, why if the Prince Regent was to be deprived of it, this patronage and political influence should be placed in any other hands. Why should they not deal with other men as with his Royal Highness? Why presume that every one else is disinterested and forbearing, and that he alone is not endowed with either of those qualities? Why particularly ascribe and allot these virtues to John Lord Eldon, and James Duke of Montrose? Why suppose that they should act with all possible integrity, honour, forbearance, and disinterestedness, and at the same time insinuate an apprehension that the Prince of Wales would act in a manner diametrically opposite, and that he would make a wanton or imprudent use of any of the prerogatives with which parliament might think proper to entrust him? The fact was, lord Eldon as Chancellor, and the duke of Montrose, had an amazing fund of patronage within their several departments. In case of any offices becoming vacant during this time, they had also the re-appointment to such offices: and it must be plain to the commonest and most moderate understanding, that the whole of this clause was laying a ground-work for an opposition to the government of the Prince when Regent, that must in a great degree impair his powers of rendering any service to the country, weaken all his efforts, however active and praiseworthy, and ultimately prove victorious over every thing, which he and his advisers might attempt for the benefit and salvation of the country.

But, if the great officers of state were not necessary for the personal convenience and comfort of his Majesty, what were they to think of the office of Master of the Buck Hounds—what of the disgraceful vote which gave to the Queen that office—an office which could not by possibility belong to the Queen; which never could, in the estimation of any one, add to the splendour of her Majesty, or in the smallest degree contribute, in the present melancholy and unfortunate state of affairs, to the comfort or satisfaction of the King? It was evident throughout the whole of the proceeding that it was patronage that was wanted; and to gain that, the House was desired to countenance the grossest absurdities, and swallow wholesale the most conspicuous improbabilities. The office of Lord Chamberlain, one of the highest importance both in point of rank and consequence, was not to be filled up, but was to be performed by deputy. The licencing of plays was a matter of great consequence to the country, and this was entirely to be given into the hands of the Vice Chamberlain. The right hon. gent. on the opposite side of the way (Mr. Rose) maintained, however, that the plays are licensed by Mr. Larpent. "It may be so" (said Mr. W.), "and no doubt that gentleman would conscientiously discharge the duties entrusted to him; but it is very well known that Mr. Larpent acts under the inspection and directions of the Lord Chamberlain and Vice Chamberlain; and that, however the business may nominally rest with him, the patronage and influence remain entirely with them." The Vice Chamberlain at the present moment was the particular friend of the right hon. gent. (the Chancellor of the Exchequer): he was also one of his political supporters: in saying this, however, he meant nothing in the slightest degree disrespectful to either the noble lord or the right hon. gent. but merely to state the fact: and having done so, he could scarcely doubt but that every man who heard him would easily conjecture how that influence possessed by him was likely to be exerted. The right hon. gent. opposite, (Mr. Yorke) had said, however, that in a year's time the Prince might remove every Lord of the Bed Chamber. God forbid, that either the Prince, or any of his advisers, should ever entertain so base and disgraceful an idea. If the influence of the Lords of the Bed Chamber were infinitely more extensive than it now is, and that influence even exerted in the most decisive manner against the administration of the Regent, he (Mr. W.), for one, would never consent that a single man should be removed. They were those attendants, who had for many years past always appeared round the person of his Majesty; they were those who were the last on whom his attention, even in the approaches of his present calamity, must have been fixed; and he (Mr. W.) wished them so to remain about his person, that in the first glimpses of his returning reason, his Majesty might feel the unspeakable satisfaction and delight of finding himself surrounded by those faithful servants and friends to whom he had so long been attached, and the recollection of whom could not fail to be most pleasing to him. There were, however, many persons appointed by the Vice Chamberlain who had never been seen by or known to the King; and he particularly alluded to the appointment of a learned Master of the Kitchen (Mr. Kenrick), which took place last year, and which he insisted was altogether a political appointment; and taking a fair and candid view of the whole of this business, it was impossible any impartial man could say that it was for any other than political purposes that the whole of this clause was framed.

The right hon. gent. opposite speaking of the distribution that was made under Mr. Burke's bill concerning the Household, had told them what that distribution was, but he had not favoured them with one single word as to the propriety of it. Another right hon. gent. had accused them of departing from the precedent of 1789; and endeavoured to persuade the House, that in so doing, they had plunged into a labyrinth of errors, from the ill consequences of which they would not be able easily to extricate themselves. At that time, however, the right hon. gent. did not happen to be a member of the House. The right hon. gent. had even acknowledged he had not been present, but had read all the debates. He (Mr. W.) rejoiced to find that there had not been any person so irregular at that period as to propose clearing the gallery, which that right hon. gent. had done upon a late occasion, otherwise he (Mr. Yorke) could not have got the information he seemed to have acquired. The whole proceeding he must again repeat, appeared to him to be a fatal blow to the constitution of the country; which, if it survived, must afford an irrefragable proof of its inherent energy and soundness. The right hon. gent. (the Chancellor of the Exchequer) had taken a ground in this proceeding from which, if he continued in power, he might certainly man his fortresses, and play off his artillery with most powerful effect; but if he was put out, he would turn those very guns against the works of his own construction, and leave the whole one mighty heap of ruins.

Mr. *Stephen* expressed his surprise that the hon. gent. who spoke last should have spoken with so much warmth, and apparently with so much acrimony, respecting some words which he (Mr. S.) had uttered in a former debate, expressive of a compliment to the hon. gent. He was very sorry that he had thereby given him the slightest offence; he had no intention of doing so; and the House, and the hon. gent. might rest assured, he would never be guilty of the like offence again. The hon. gent. reminded him of some animals he had read of; which were so very fierce, they will not suffer themselves to be stroked: and he remembered a very humourous author had drawn a character of a peculiar kind, whom he chose to denominate Lismahago; who was so fond of contradiction, that when any of his best friends started a subject which they thought the most congenial to his feelings, place it in whatever point of view they would, he was sure to meet it with a plump negative. During the hon. gentleman's speech, to which he had listened with the greatest attention, he found himself at a loss to account for the reason by which the hon. gent. had been induced to say what he had just concluded, but on recollection it struck him, that rumour "with her hundered tongues" had lately informed him and the public at large, that the hon. gent. was likely soon to have a place on this side (the

Ministerial) of the House; a place in which he should be extremely glad to see him. But what place was this? He had no doubt the House would be surprised when he told them, it was that of a minister—no less than the war minister. He must confess he would as soon have thought of his being made master of the Ceremonies. The hon. gent. whose theme was always peace, to be a war minister! He might perhaps, be a war minister for a democracy, who would act upon the principle in Hudibras,

> "The man who fights and runs away.
> "May live to fight another day."

With respect to the new point that had been mentioned relating to this clause, an hon. baronet had said, that the resolutions went only to the giving of a certain portion of the household to the care and management of the Queen, whereas the clause gave a very large portion of it indeed. This he (Mr. S.) thought was perfectly right, and doing no more than what the right hon. gent. (Mr. Canning) on the floor had allowed might be done, at the time he moved the amendment to the resolution. The right hon. gent. then said, that the portion might be modified in any degree whatever, according to the will and pleasure of the House, who might give her Majesty, by a clause in the bill, either a lesser or greater portion, or even the whole patronage of the household, if they thought proper: and yet they were now told, that the present clause was a quibble and a fraud upon his royal highness, and meant only to divest him of powers which were necessary for carrying on the executive government. So far was he from being of this opinion, that he thought it would be a fraud on the House, if that clause was not passed in the manner in which it had been sanctioned by the Committee.

Mr. *Whitbread* trusted he would be excused if he said a few words. He was certainly much obliged to the learned gentleman for the information he had given, and of which he himself knew nothing, notwithstanding the hundred tongues of fame. He would ask the learned gent. if he had ever aided in blowing the trumpet? He could assure the learned gent. that there could not be a compliment more to his mind however unworthy he might be of it, than to be called the ornament of democracy in the proper sense of the word. "The hon. gent." (said Mr. W.) has expressed his wish to see me on the other side of the House, but I cannot believe him sincere in this declaration, as he would probably then move himself to this side. The learned gent. judging feelingly, thinks we all want something. However that may be, I hope that before his other learned friends go out, they will take care to give him all that he wants.

Mr. *Canning*, not having been in the House when the Amendment under consideration was proposed, expressed a wish, that the amendment should be again read. The Amendment was read accordingly, when the right hon. gent. again rose and said: From what I had heard, Sir, of the amendment which has been just read, as well as from what I can collect of its tenor and contents during a cursory reading of it by the clerk at our table, I do not think it calculated to meet the objects which I have in contemplation so well as the Amendment which I had the honour to suggest some days ago. I agree with the hon. and learned gent. who spoke last, that the resolution of the two Houses of Parliament did leave the greatest possible latitude, as to the mode of apportioning the household between the Regent and her Majesty the Queen. In my opinion every thing ought to be assigned to the Queen, that is necessary for the suitable care and personal comfort of his Majesty. Nothing ought to be transferred to the Regent, but what is necessary for his representative state and splendour; or what cannot be left to the Queen without involving her Majesty in the trouble and perplexity and unbecoming cares attendant on the distribution of political patronage. The right hon. gent.'s Amendment does not appear to me to be framed on a just consideration of these principles. He has no doubt endeavoured to obviate or remove the objections, which were made to his former amendment; but I do not think he has succeeded. I admit and feel the subject to be one of considerable difficulty. And that difficulty is not a little enhanced since our last debate by the anathema, which has been pronounced in that debate against all those who should presume to examine this delicate and painful subject in detail. Cold details have been most feelingly deprecated, as inconsistent with a suitable sense of respect and affection for the sovereign, and a due sensibility to his present melancholy and afflicting situation. I confess, Sir, it appears to me rather a hard mode of treating those who may consider it their duty to investigate a question brought before them for decision, to impute to them directly or by inference any want of attachment or of loyalty to the King. I do not see how we can come to any correct or satisfactory decision upon this, the most interesting, if not the most important part of the subject, without entering, and that with some minuteness, into a consideration of details. If the question is to be viewed only in one way—if only one opinion is to be formed upon it—if we have no alternative but to adopt the provision originally recommended to us by the King's ministers, in God's name why are we invited to discussion? Why those forms of a Committee which we have gone through? Why this report to the House? The delicacy that would preclude us from discussing this subject, as we are in the habit of doing others that come before us, springs, I make not the least doubt, from an excess of the best and most honourable feeling; but I am at the same time persuaded, that such feelings cannot be taken as the sole guides of our conduct, that we act more in the spirit of our public duty, when we endeavour to extricate ourselves from the embarrassment arising from feelings so natural and commendable in themselves, in order that we may fully, fairly, and without biass or partiality examine into the merits of the measure in all its details. Surely there is nothing in this conduct so irreverent and so hardhearted, as those more enthusiastic and sensitive persons, who would stifle all discussion, presume. How constantly does it happen in private life, that, on the most melancholy and afflicting occasions, persons are unavoidably obliged to make a sort of compromise with their feelings, however acute or poignant they may be, and to mix details of business even with the first ebullitions of their sorrow! can it be imputed to a son as a want of reverence for the memory of a deceased father if even while the transports of his grief were yet upon him, he yielded to the absolute necessity of the case, and communicated with his steward upon the subject of any arrangements which the situation of his affairs rendered indispensable? Is it then to be pretended, that those, who from a sense of what they owe to their country look closely at a question which they are compelled to decide upon public grounds, do not feel as deeply and sincerely as those who only generalise and declaim and lament upon it? Sir, for myself I utterly deny the justice of such an inference. An important public duty has devolved upon us, and we are bound to perform it at whatever expence of personal considerations and private feeling. It cannot at this time be said that we have been taken by surprise. The subject has been now a considerable time fully in the contemplation of the House. There may be delicate natures (I do not mean to question their sincerity) who cannot yet accustom themselves to look at it steadily. But we shall fail in our duty, if we decline the full discussion of the subject, or shrink from those minute but necessary details which the dispensation of Providence has imposed upon us the necessity of examining and adjusting. Delicate and painful as the task must be, we are called upon by higher considerations than those of mere feeling to perform it. My right hon. friend on the bench above me, (Mr. Yorke) has taken another and a much more rational ground for endeavouring to dissuade us from going into these details. He has said, that if we do proceed in the discussion in such a way we shall get into a labyrinth from which we shall not be able to extricate ourselves without difficulty—in other words, that it is better to adopt and put up with whatever is first offered to us, than to engage in a comparison of different schemes, which may be as numerous as the fancies of different individuals, and between which in the end we may find no sure rule of decision. The answer to this observation of my right hon. friend is, however, to be found in the course and the result of our preceding deliberations. We have not declined hitherto the discussion of the propositions brought before us; nor have we discussed them without considerable practical benefit. By the earlier part of our discussion upon the restrictions we got rid of the naval and military peerages. If no other improvement were to be derived from our discussions I should think that a very important and desirable one. When I consider the other amendments which have been already adopted in respect to the Household, I am clearly of opinion, that whatever sacrifice of feelings the discussion of them may have cost us, has been well and usefully incurred. By these amendments, one of them suggested by myself, and others, and adopted by my right hon. friend on the bench above me, (the Chancellor of the Exchequer), the officers about the King's person are rendered irremoveable. That is of itself a great improvement and well worth all the discussion that produced it. It is one which has gone far to render my right hon. friend's proposition acceptable to me. Could I have prevailed upon him to adopt another alteration founded upon the same principle, and to make a permanent instead of a temporary arrangement for the Household, I should willingly give up minor points of difference, and vote with him instead of moving an amendment. My reason for wishing this, is, that I think it will be ultimately more conducive to the object which we both have in view. Whilst our sympathy is still fresh and active, and our feelings tenderly alive to the recent affliction of his Majesty, a larger measure of state, and a higher proportion of establishment and splendour are likely to be provided for the sick King, than may be expected a year hence, when in the natural course of things, and without any blame or any disparagement to the sincerity of our present impressions, those impressions will have become fainter. That this was in fact likely to be the case no man could doubt, who is acquainted with the ordinary operations of human nature. But most certainly no man can doubt it, who has attended to the speech of my right hon. friend, (Mr. Yorke) this night; and to that of another right hon. gentleman (Mr. Dundas) who preceded him. For they have both disclosed, that should his Majesty's indisposition unhappily continue to the beginning of the next year, they then look not only to the abridging but to the abrogating his Household altogether; transferring the whole to the Regent; and grafting whatever may be absolutely necessary for the care of the King's royal person on the Household establishment of the Queen.

Thus it is, Sir, exactly as I feared, that excess at one time will produce improper retrenchment at another. We are to give all now, and to take away all hereafter. This is precisely what I would avoid. I am not for giving the whole of the Household at present to the Queen, and I shall be at the end of a twelvemonth against giving it all to the Regent. My object is to abstain from doing either; as in the one case we should be doing more than we need, and, in the other, infinitely less than I hope we shall feel it our duty to do even under circumstances the most hopeless.

With these impressions, then, I feel myself bound to oppose both the original proposition of my right hon. friend, and the amendment moved upon it by the right hon. gentleman—the latter retrenching, as I think, more than is necessary now; and the inevitable effect of the other, which gives more at present than is necessary, being in the event of the continuance of the King's illness, to go into the other extreme at the expiration of a year, and to take from his Majesty that which, whether absolutely indispensable or not, under that supposition, for his personal comfort, cannot be taken away from him without an appearance of the most unbecoming disrespect and unkindness. The only cure for these opposite inconveniencies, is, to provide in the first instance amply, and to provide once for all, not leaving the subject open to be revised at a future period. By leaving it open to that revision, you make his Majesty liable to be stripped hereafter of the whole of his household. Such is now avowed to be the probable result; and such a result is, in my opinion, a disadvantage, which much more than counterbalance any advantage to be derived from the large portion of the household at present proposed to be given to the Queen. I have more than once, in the course of these debates, expressed my decided preference of an arrangement to be made now that shall pervade the whole of the Regency, over a series and succession of arrangements varying with the variation of our hopes, and growing gradually more disadvantageous to the King's interests in proportion to the duration of the King's illness. Upon this point it is that the difference of opinion between my right hon. friend (the Chancellor of the Exchequer) and me is widest and most irreconcileable. In other respects, so far at least as the household is concerned, we come very near to each other.

When I applied this argument the other day to the restriction upon the prerogative of granting peerages, I was answered, and not without plausibility, by a right hon. gent. (Mr. Bathurst) that as that Restriction is to expire in due course at the end of the twelvemonth without any new enactment on the part of parliament, it was in fact now made once for all. Not so, however, as to the arrangement of the household. This question is distinctly stated and argued as being expressly reserved for further discussion on the expiration of that period. The ministers of the

Regent will then have cast upon them, by the provision recommended, the invidious task of proposing to parliament to curtail the portion of the household, now to be placed for his Majesty's comfort and accommodation under the controul of the Queen, if unhappily the infirmity of the King should so long contine. It is impossible not to foresee this inconvenience, and not to wish for an arrangement, which may provide against that contention and acrimony which must necessarily arise in such a discussion. Of all the points in the settlement of the Regency, which affection for the King and fairness towards the Regent equally forbid our leaving to be settled by the future ministers of the Regent, that which relates to the household is one which duty and delicacy conspire to make the most prominent. Do not let my right hon. friend (the Chancellor of the Exchequer,) suppose, however, that when I speak of the invidiousness of the task thus to be fixed upon the Regent, I mean to join with those who accuse him of designing to throw an intentional and studied insult upon the Prince of Wales. Nothing is farther from my thoughts. I state the argument as it strikes my mind; and strikes it so forcibly that I cannot help stating it strongly. But no man gives more ample credit than I do to my right hon. friend for being actuated by the best and purest motives. I am convinced, that, in what he proposes to the House, he is conscientiously discharging his duty to his Sovereign, according to his own view of that duty; and is influenced by an anxious zeal for the dignity of the crown and the interests of the country. I give to him the credit, which I ask for myself, and shall receive from him for the principles of my own conduct, upon this and every other part of this question. We have each of us acted upon our own sense of what is right, and I as little impute to him an intention of disrespect, as I expect that he should impute to me an intention of courting favour.

I happened, Sir, to have been accidentally out of the House at the proper moment for proposing my amendment for discussion, until that of the right hon. gent. is disposed of; but as it can regularly be submitted at a subsequent period of our proceedings, I shall take that opportunity to submit it formally to the consideration of the House. I will not trouble the House with a detailed statement of the amendment. It is in substance such as I opened it to the House on a former night, but with some few alterations suggested by the observations which were then made upon it, and by subsequent reflection on the suggestions that have fallen in debate.

The first general objection, that it was not understood when I formerly proposed it, I cannot but suppose to be just, because I am not surprised, that I should have failed in giving clearness and perspicuity to a complicated statement, when I see even in the Bill before us, after all the labour that has been bestowed upon it, that the clause as now drawn up is wholly unintelligible. It would have been much clearer and more simple to follow the precedent of 1789, and give a distinct enumeration of the individuals of the Household to be placed under the controul of her Majesty. At present the meaning of the clause is so involved and obscure, that I am convinced two lawyers of equal abilities might plausibly form different conclusions and give contradictory opinions upon the construction of it. I trust that what I have taken the liberty to submit will be found at least intelligible.

It was also objected that I had mentioned the Groom of the Stole as a fourth great branch of the Household, together with the Lord Chamberlain, Lord Steward, and Master of the Horse. I confess this was a mistake: but a mistake into which I was led by following the speeches of the right hon. gent. opposite to me (Mr. Ponsonby) and of my right hon. friend (the Chancellor of the Exchequer,) who both talked of the Groom of the Stole as the head of a distinct department of the Household. I had not so considered him. But upon hearing their statements I was led to suppose myself wrong: and inserted the name of that officer among those to be reserved to the Queen. I also proposed to make him removeable by her Majesty. Upon better information I have changed that provision; and propose only to make him like the rest of the Lords of the Bed Chamber, of whom in fact he is one, (being technically no more than the chief or first Gentleman of the Bed Chamber) irremoveable.

Of the Amendment of the right hon. gent. (Mr. Ponsonby), I must say, that, if obliged to agree either to that or to the clause as it stands, I should prefer the original clause with all its imperfections; simply because it does not, like the amendment, impose upon her Majesty the invidious task of making a choice from amongst the officers of the Household, because it does not lay upon her the onus of selecting six Lords and six Grooms of the Bed Chamber to be retained under her controul, and six others to be dismissed from their attendance on the King's person. The preference which her Majesty would be thus required to manifest, would be in my opinion extremely invidious; and directly contrary to that principle upon which her Majesty ought, as we most of us agree, to be absolved from the exercise of any political power. Of the clause which goes to prevent the filling up of the office of Lord Chamberlain, I cannot but disapprove on constitutional grounds. The Chamberlainship is an appointment of too much importance, in my opinion, to be left vacant for an indefinite time; and the transfer of the power and patronage of that office from the other House of Parliament, of which the Lord Chamberlain is always a member, to the Vice Chamberlain, who is a member of this House, appears to me an important practical change and better to be avoided.

These, however, are comparatively minute objections. My great objection is to the principle of the plan as it at present stands. And, not thinking it fair to find fault with what is proposed, without suggesting my own ideas of what might be substituted for it, I shall submit my Amendment to the House to be received and entered on the Journals. But having already fully explained the substance of my amendment, I shall submit it at the proper time without any further introduction or argument.

Mr. *Yorke*, in explanation, stated, that when the right hon. gent. called upon them to make provision now for what was to be arranged at the end of 12 months, he seemed to forget, that their object on this occasion was to make a temporary, not a permanent arrangement.

Mr. *Canning* observed that he had been induced to take the view he had submitted to the House on this topic from an observation made by a right hon. gent. who preceded his right hon. friend in a former debate, in which he stated that the Regent need not be apprehensive as to the patronage or controul of the household; as at the end of 12 months, if his Majesty's illness should so long continue, the whole would be placed at his disposal.

Mr. *H. Addington* rose to vindicate himself from the allusion made to him by the right hon. gent. who had just sat down. The observations of that right hon. gent. seemed to have been so pointed that he supposed his sole intention in rising was to make them. He had, in what he had said on a former occasion, only exercised that liberty which he considered every hon. gent. to be entitled to use, in the avowal of his sentiments.

Lord *Castlereagh* felt it necessary to say a few words as to the grounds of the vote he should give. As he could not agree to the amendment proposed, he should not vote for leaving out the words proposed to be omitted; but when they should come to a vote on the body of the bill, he should feel it his duty to negative the clause, with a view to propose an amendment which would record his sentiments upon the subject. Neither the amendment of the right hon. gent. nor the clause of his right hon. friend, would execute what, in his conception, ought to be provided with respect to the Household. He would go farther, and say, that the clause, as it then stood, would not execute even the purpose which his right honourable friend, the Chancellor of the Exchequer, professed to have in view. The strongest objection, in his mind, to the clause, was, that it rendered the great officers of the Household irremoveable. Nothing could be more offensive than to place officers of that description in attendance on the royal person by the authority of Parliament, and not removeable at the pleasure of her Majesty. To such a provision he should prefer the bill of 1789; because, though that measure gave more influence to her Majesty than was necessary, it yet assigned to her all that was properly belonging to her high and exalted situation. He should therefore give his vote to negative the whole clause, in order to move an amendment which would meet his own views upon the subject.

Sir *Samuel Romilly* considered the bill as it stood then, a fundamental departure from the principle recognized in the resolutions which had been agreed to by the two Houses of Parliament. He would defy any man to say that the provisions of this bill were a fair, a candid, or an honest execution of those resolutions. For his own part he would be ready to give his support to any proposition the effect of which would be to transfer the whole powers of the executive to the Regent without any abridgment or restriction whatever. When the two Houses had sanctioned the principles upon which the resolutions were founded, by their solemn and deliberate assent, he must contend that it was a violation of duty to Parliament in the framers of the bill, not to have drawn it up in conformity with those resolutions. Instead of doing so, however, they had in every instance departed from the spirit and the letter of the resolutions, but most particularly in this clause respecting the disposal of the household. The resolution of the two Houses provided that such portion of his Majesty's household should be placed under the control of the Queen "as would be requisite for due attendance on his Majesty's person, and the maintenance of his royal dignity." This resolution had been carried up and presented to the Prince of Wales. The answer of his royal highness was, "that he did not refuse to accept the office and situation proposed to him, restricted as they were." But was the House to infer from that answer, that his royal highness would have accepted the office, if it were to have been still further restricted? It was to make an ungracious return to his royal highness for this patriotic determination thus to enact, that the office was to be given under still greater restrictions, by means of which he would have still less opportunity of shewing his veneration for his royal father, and the unfeigned delicacy of his feelings.

But it had been argued, that, as only a certain portion of the Household was by the resolution to be given to her Majesty, if any portion of it were to be given to the Prince, that would be a fair execution of the resolution. But his hon. and learned friend (Mr. Stephen) who stated that argument, should recollect that the resolution was not alone the resolution of that, but also of the other House of Parliament. It had, indeed, been urged against those who thought with him, that theirs was a quibbling interpretation of the resolution; because, as a portion was smaller than the whole, any portion short of the whole was necessarily comprehended in the resolution. But he would ask, was not this a quibbling interpretation? Would any two men of honour countenance such a construction? If, in the case of an estate, a portion were to be given to one, and the remainder to another, would it be considered a fair interpretation of terms to give one acre to him who was to have the whole remainder, and to assign the whole of the estate beside to him, who was to have but a portion of it? This species of quibbling interpretation would be a disgrace to the lowest practitioner of the profession to which he belonged. Could any man then say, that this was the proper construction of the resolution? Could any man believe, that the clause in the bill was not a reversal by parliamentary tactic of the substance of the resolution? He should vote therefore for the amendment, if on no other ground, because it would give greater power to the Prince.

His right hon. friend (the Chancellor of the Exchequer) had, on a former night, addressed to the feelings of the House, an argument which he could not but consider unparliamentary, though he believed it had had considerable effect in influencing the decisions of the House on that occasion, namely, that if any very large portion of his Majesty's household should be withdrawn, it may have a very serious effect on the mind and state of his Majesty in the event of his convalescence. But anxious as they all must be to manifest every tenderness for the feelings of the sovereign in such a case, the House should bear in mind how far that argument might be carried. On the first occasion, when it was used by his right hon. friend (the Chancellor of the Exchequer) it had been urged, that, if a Regent were to be appointed, it might have the effect when communicated to his Majesty of bringing on a relapse into that deplorable state in which he was then unhappily placed. This argument, however, must fail to have any weight with the House in the present instance, when it was recollected that his right hon. friend himself had brought forward the measure then under consideration, though feeling so sensibly and so sincerely (he believed) for the calamity and personal sufferings of his Majesty. His right hon. friend had certainly been induced to take this course from a due regard to his own duty, and to what the public interest demanded. But if his right hon. friend had not been deterred from the performance of his duty by any morbid sensibility for the sufferings of the sovereign, his example in this struggle of his duty to the public with his feelings for the King afforded a justification to others in coming to the discussion without such considerations to bias them. The argument, therefore, should have no weight in influencing their decisions upon a question of such vital importance to the best interests of the crown and of the state. It must be with reluctance and pain, that they would resort to any provision which might by possibility be disagreeable to his Majesty; still more distressing would it be to adopt any arrangement that would be likely to retard his recovery. But they had an imperious duty to perform—they had not only to provide for the comfort of the royal person, but for the effectual maintenance of his crown—every thing that was or could be necessary for the personal comfort and convenience of the King should be given to the Queen—every thing essential to the dignity of the throne and the effectual execution of all the royal functions should be assigned to the Regent. They were not to incur a certain danger in weakening the power and constitutional influence of the executive in order to avoid, what, if it occurred, would most unquestionably be an evil, but still was contingent and uncertain.

It had been stated on a former night and upon high authority (Mr. Secretary Ryder's) that if the case of his Majesty were that of a private individual before the Court of Chancery, the care and custody of his person would not be committed to his nearest of kin, nor to his Heir Apparent; and this, on the supposition that the Heir Apparent, being to succeed to the property, would have an interest in the confinement or death of the unfortunate patient. But so far from that being the case now, so far back as the time of lord Macclesfield, that doctrine was exploded, as proceeding upon the basest suspicion that could enter into the human breast, and as it would have the effect of preventing persons in such a deplorable situation from having the benefit of the care and attention of those most attached to their persons and most interested in their recovery. The last instance which had occurred in the Court of Chancery was that of an individual, the custody of whose person was committed to a brother, the presumptive heir to his estate. He was not surprised that his right hon. and learned friend should have been led into error on the subject, as he had so long quitted the immediate study of the profession to which he had been so great an ornament! He did not charge his right hon. friend who stated this argument (Mr. Ryder) with any wish to shew disrespect to the Prince of Wales, but really such observations had the effect of casting suspicions upon the illustrious members of the royal family, to which even the meanest of his Majesty's subjects were not exposed. He neither accused nor could he suppose his right hon. friend capable of offering any intentional insult to the Prince of Wales. He wished he could say the same of his political adherents. If so, they would not have found those public prints, which he should not say were under the protection of the administration of his right hon. friend, but which were certainly not prosecuted with the same severity and rigour as were manifested in other instances, pursuing a systematic course of attack upon his Royal Highness, calumniating every act, and misrepresenting every word of his Royal Highness, and holding up to scorn and derision every member of the royal family (Hear! Hear!) Neither should they have found them incessantly imputing the basest motives to many members of that House for pursuing on this occasion what they conscientiously considered their duty.

The *Chancellor of the Exchequer*, after what had taken place during the discussion, felt himself called upon to state shortly his sentiments upon this question. He had deferred offering himself to the attention of the House till that late hour of the discussion, in order that he might have an opportunity to collect what were the sentiments of other gentlemen upon the subject, and that if he had risen earlier, he might not have felt it necessary to trouble the house again with any further observations. With respect to the charge of supposed, though unintentional disrespect to his royal highness the Prince of Wales, in not committing to him the guardianship of his Majesty's person, he should only observe, that as they had all agreed that the guardianship should not be entrusted to his Royal Highness, whether that were conformable to the practice in the Court of Chancery or not, all that was now out of the question. His hon. and learned friend did him no more than justice in stating, that he did not believe him to entertain any intention of reflecting upon his royal highness the Prince of Wales. He lamented, as much as his hon. and learned friend could, any licentious expressions, which in the public prints might have been applied either to the Prince of Wales, or to any of the other branches of the royal family; but that was not the time or place for the discussion of the reflections of that kind, which may have been made upon any one description or another of public men. When his hon.

and learned friend stated that the Bill was not a fair and honest execution of the Resolutions, he must beg the House to make a distinction between the Bill which he brought in and the Amendments which had since been made in the course of its progress. As he could not know, what many hon. members themselves did not seem to have known, what amendments they meant to propose, he had brought in his bill in a shape to admit of the introduction of any Amendment that might be thought eligible. In proof that gentlemen did not know their own Amendments, he called upon the right hon. gent. who brought forward the Amendment of this night, whether in the Committee on the bill he was aware of the Amendment he this night proposed? The right hon. gent., by a kind of second sight, took the hint from arguments urged by an hon. gent. on the floor (Mr. Huskisson), and formed his Amendment upon them. But where these arguments were found, as the hon. member, to whom they had been ascribed, had denied having ever used them, it was for that right hon. gent. himself to explain. But now that the right hon. gent. had heard the arguments of that hon. member that night, he doubted much whether the right hon. gent. might not fairly question the propriety of his own Amendment. It was a difficult task to frame the Bill, not only to meet the different opinions which different members might entertain of it, but the different opinions of the same persons.

The hon. member for Hertfordshire (Mr. Brand) had put a case of a member so managing his minority as to carry a particular resolution to be presented to the Prince, and then so to manage his majority as in effect to rescind that resolution. The hon. member could not, however, have stated that to be his case, because he had brought in resolutions much more restrictive than those agreed to; and it was not till his own had been rejected, that the resolutions actually carried were put upon him. The hon. gent. therefore, would, he was sure, acquit him of having laid so deep a plan for the attainment of his object. But he was ready to contend, that there was nothing in the Bill contradictory to the Resolution. When the Resolution was first proposed, the objections to it were twofold; one, that of most weight was, that it would give too much influence to the Queen, an objection which he got rid of by taking away the power of removal, and thereby doing away all the political influence. The only power of appointment then left was in case of vacancy by death. He had consented to this sacrifice in compliance with what he considered the prevailing sentiment of the House. This, he was ready to confess, took considerable weight from the principle upon which the resolution was originally founded; but as the time was limited, he was disposed to think that the mischief in principle would be practically done away. The great and prominent basis of this whole proceeding was to make a temporary provision, and that for a short period, without breaking in upon any settled established rule where that could be avoided. And here it was that he had the misfortune to incur the censure of his right hon. friend (Mr. Canning), for not having proposed to make the provision once for all permanent. But without meaning any disrespect to his right hon. friend, or undervaluing the suggestions he had thrown out, he must be permitted to observe, that it appeared to him monstrous that the House, in providing for the maintenance of his Majesty's dignity now, when they had a sanguine expectation that his illness would be of a very short duration, should arrange the proportion of the Household to be given to her Majesty, in the same manner as if his Majesty's calamity was to last the whole of his natural life. It would certainly be practically by far the better mode to make an arrangement that would meet both cases; but that was impossible. If his Majesty were to recover within six weeks, or three months, or even six months, would any hon. member wish to strip him of his Household to the same extent as if no hope were entertained of his recovery? His right hon. friend had called upon them to state, why they did not propose to make now a permanent provision for the arrangement of the Household? The answer was, that their measure was to provide only for a twelve-month, and that what hereafter might be necessary, should be done at the expiration of that period.

With regard to what had fallen from his hon. and learned friend, who had just sat down, he must observe, that his hon. and learned friend had commented rather severely upon him for having adverted to what might be the probable feelings of his Majesty on his convalescence, in case he should find a regency established. He had undoubtedly on one occasion alluded to what those feelings might be in such an event, and he still retained the same impression. But however he may lament the effect, that might possibly be the consequence, a sense of the public duty, and a regard to the public interests, had compelled him to bring forward the measure for establishing a regency. In the former instance there was no pressing necessity for the measure, and he was consequently justified in abstaining from it, in consideration of the effect it might have on his Majesty's feelings, and consequently in retarding his recovery. But, if the delay in his Majesty's recovery, and the urgency of public business, compelled them now to bring forward the general question of a Regency, was that any reason why he was not to take into his consideration what may possibly be his Majesty's feelings in all the parts of that general question, where the same necessity did not exist, as was particularly the case in the arrangement respecting the proper distribution of the Household? In one case he could not avoid proceeding—in the other he could; and wherever he could avoid proceeding, he would ever contend that it was his duty to do so.

This was the view which he took of the case. He was aware indeed that it had been urged as discreditable to his Majesty's mind, if, on his recovery, he could be affected by the removal of the Gentlemen of his Bed-chamber, and not by the management of his fleets and armies. But was that a fair way of putting the case? Was it not necessary to commit the management of the fleets and armies to another? Was it equally necessary to hand over the controul of the Lords of the Bed-chamber? But could any thing be more afflicting to a person suffering under this peculiar malady, than any wound to his dignity? The proposition of the right hon. gent. went to take away at once one-half of the Gentlemen of the Bed-chamber on a six-weeks' illness. Besides it would consign to her Majesty the painful task of fixing upon that part that was to be taken away. The proposition was, not that the six senior or six junior Lords were to be removed, but that six were to remain, and that her Majesty was to have the pleasurable task of selecting them, and also such other parts of the Household as she might think necessary; and all this under impressions in that House, that her influence was dangerous, and that the larger proportion of the Household ought to belong to the Prince, and the smaller to the Queen, whilst the Queen would be left to carve out the portion for herself. Nothing could be more likely to offend his Majesty or wound his feelings more than to find his Household thus mutilated and dismembered. The pencil of the painter and the pen of the poet had been happily employed in pourtraying the anguish and agonies endured by illustrious sufferers under the impression of wounded dignity. They had seen, how Richard, suffering with patience all his reverses, bitterly felt the indignity offered to him in prison; they could call to mind, too, as pourtrayed by the master-pen of Shakespeare, the pangs of Queen Catharine, when exposed to the insulting want of the respect due to her exalted rank. He would wish the House to hear the representation given in the words of a right hon. gent. opposite (Mr. Sheridan,) and should therefore endeavour to recollect an appropriate passage from his eloquent and expressive pen:

"Go search where living sorrows ask relief;
"Go, while thy heart yet beats with fancied grief,
"Thy lips still conscious of the recent sigh,
"The graceful tear still ling'ring in thine eye;
"Go, and on real misery bestow
"The blest effusions of fictitious woe."

He would entreat gentlemen to bear in mind, what would be the effect, in the case of a private individual, of breaking down a whole establishment; and by what each might be supposed to feel in such a case, to judge what would be the feelings of his Majesty. With respect to what had fallen from his right hon. friend, as to the clause being unintelligible, he should only say, that as his right hon. friend had admitted that he deduced something substantive from its affirmations and negations, he had saved him much trouble. On the whole, he should observe, that the exceptions pointed out what was not to be given to the Queen; that the clause was perfectly intelligible; and, as it had nothing unconstitutional in it, should be supported by him against the Amendments of both the right hon. gentlemen.

Mr. *Tierney* immediately rose and spoke as follows:—Sir, I do not mean at this late hour to trespass at any length upon the time or attention of the House; but, after the very extraordinary speech which we have just heard from the right hon. gent. I feel it absolutely necessary to say a few words. The whole of that right hon. gent.'s speech from the beginning to the end consists of an appeal to the passions—an appeal as uncalled for, as it is unnecessary, in this House. The right hon. gent. in order to excite our sympathy, needed not to have quoted the beautiful lines of my right hon. friend's (Mr. Sheridan's) composition, nor appealed to the magic pen of Shakespeare; all that was necessary for him to say, was, that a revered and beloved Sovereign is labouring under the heavy calamity which afflicts him, to interest the feelings of every gentleman present. Every thing which the right hon. gent. has said beyond this, could only be intended to draw off the attention of the House from the question immediately under its consideration. When the right hon. gent. rose, I expected, that he would have endeavoured to shew, that the provisions of this Bill contained no departure from the Resolutions agreed to by both Houses—that, if the Bill should pass in its present form, his Royal Highness the Prince of Wales would be aware of the exact proportion of the regal prerogatives, and of the royal Household he is to possess, according to the declaration made to him by the two Houses of Parliament in their Resolutions. But in this expectation I have been disappointed, for upon this point the right hon. gent. has completely failed. If ever a man contrived to get rid of a question by dexterous shifting and artful manœuvres, the right hon. gent. has done so in this instance. In fact, he had no other alternative, because, in all the arguments that apply really to the subject at issue, he has been not only anticipated but completely answered by my hon. and learned friend (Sir Samuel Romilly) who preceded him. The Resolution of the two Houses states, that such portion and such only of the royal Household shall be given to the Queen, as shall be necessary for the personal comfort of his Majesty. It is absolutely impossible, that, after receiving such a Resolution, the Prince could suppose the House would be now discussing what part of the Household would be necessary for the maintenance of the splendour and comfort of the King. Upon that point there can be no difference of opinion; as every hon. member must be ready to vote whatever portion of the Household her Majesty may think necessary. Our Resolution pledges us to this, and our feelings and inclination must prompt us even to outrun her Majesty's wishes.

The right hon. gent. has said, however, that he had deferred stating his sentiments to the House in order that he might endeavour to collect what may be the sentiments of others upon this subject. If the right hon. gent. expected that the result of this delay would be consentaneous with his own views, he has failed in that point altogether. The noble lord on the bench behind him (lord Castlereagh) has intimated his intention to negative the clause with a view to substitute another more consonant to his opinions, whilst the right hon. gent. on the floor (Mr. Canning) proposed, in moving an amendment of his own, to retain only the two or three first lines of the clause. So that in fact, though pretending to meet the wishes of others, the right hon. the Chancellor of the Exchequer has been all this time carrying into effect his own. I am ready to admit, that, in consenting to the alteration abridging the influence of the Queen, the right hon. gent. has removed a considerable part of the objection, which applied to the clause as it originally stood in the Bill, supposing, what I can never bring myself even to suspect, that the Queen were, or could be, capable of employing her power to procure political influence in the state. But what has all this to do with the question? What has the abridgment of the Queen's power to do with the Regent? Not with respect to the Regent personally, but as a person exercising in the name and on the behalf of his Majesty, the functions of the executive? Is he to be deputed to execute the office of King, stripped of its necessary state and accustomed splendour? Is he to have imposed upon him the necessity of maintaining the dignity of the throne, divested of that influence and patronage, which has hitherto, according to the principles and practice of the constitution, belonged invariably to the person discharging the functions of the executive, and which are no less essential to the due performance of his high and arduous duties than to the state and lustre of his court? But says the right hon. gent., "the Regent will not be without the means of supporting the dignity of his exalted office—he will have a Chamberlain." A Chamberlain! yes—a Chamberlain no doubt he is to have according to the provisions of this bill? but what species of Chamberlain? A Chamberlain, stripped of all the patronage and influence and power of that high and important office—A "man of straw" possessing no more weight or authority at court or in the state than the white wand he may bear—the emblem, not of royal confidence and official duty, but of empty pageantry and departed state. But then again, says the right hon. gentleman, "if the Regent is not to have a Chamberlain with all the customary influence and power of that great office, no other person is to have the advantage of its great patronage, because the place of Lord Chamberlain being now vacant, the Bill provides that no Lord Chamberlain is to be appointed for a certain period." But why not? Why all this juggling and peddling about an office allowed on all hands to be essential to the dignity of the person discharging the duties of the executive? Is there a man in this House, who does not in his conscience believe, that all this is done for political purposes? can any man be so blind as not to perceive that all this is a paltry expedient to withhold from the Regent a great part of the constitutional influence, that would attach to his office, for the purpose of strengthening the power of those who will be opposed to the measures of his government? The Lord Chamberlain, every body knows, has extensive, enormous patronage. According to the statement of my right hon. friend (Mr. Ponsonby) he has the appointment of some of the officers of this House, (none of whose offices happily are likely to be soon vacant)—he has also the appointment of some of the officers of the other House, one of whom (sir Francis Molineux) if report be correct, is in such a state, as to render a vacancy in his important and lucrative office (usher of the black rod) within a very limited period not improbable. Does the right hon. gentleman think, that he is consulting the feelings of the King in the manner in which he proposes to dispose of the immense patronage of this important office of state? Does he believe, that his Majesty, now that lord Dartmouth, to whom his Sovereign was personally attached, has been removed by death, would be gratified to find that all the patronage, which as a mark of his royal favour he confided to that nobleman, should be thus clandestinely transferred to the Vice-Chamberlain—to whom his Majesty could never have thought of committing such a trust? The right hon. gentleman, I am persuaded, cannot entertain any such notion, and I can therefore never bring myself to suppose that all this is done for any other but political purposes.

With respect to the influence or interference of her Majesty, upon the distribution of this patronage, I beg again distinctly to disclaim any the slightest insinuation that the Queen could be capable of an improper exercise of her power for political purposes. I am convinced that her Majesty is utterly incapable of any such conduct. Nay, more; I am certain that she would not condescend to enter into a conversation with any member of her council upon such a subject, if any one of them should have the presumption to mention it to her Majesty. But though her Majesty would never stoop to interfere for political purposes, we are not to forget that the members of her council are all politicians; that, as they propose to withdraw the patronage from the Prince Regent, they would be likely to exercise their influence over it for political purposes. Suppose a vacancy to occur in any considerable office, in the appointment of the Lord Chamberlain, is it not more likely, that the Vice Chamberlain, to whom the ministers propose to give the whole patronage, should consult John Lord Eldon, or some other of those to whom he owed his power, as to the filling up of the vacancy, than that he should appoint to the vacant office independently? What is this then, but in effect to give the power, denied to the Prince of Wales, to the members of her Majesty's council? In truth, the whole project and scope of the Bill is nothing but an artful scheme of political power; a contrivance, as was well observed by a right hon. gent. opposite, (Mr. Canning), to divide the unity of the government, and to set the executive at war with the palace.

The right hon. gent., in commenting upon the amendment proposed by my right hon. friend this night, has been more severe upon the course he has thought it right to pursue than either the circumstances or the occasion warranted. The drift of the right hon. gent.'s argument was to prove my right hon. friend guilty of inconsistency, in not having brought forward, in this instance, precisely the same amendment which he had proposed in the Committee. But, the fact is, that there would be no inconsistency in the case. The difference between the two amendments is not very material. Yet, even if it were, what impropriety could there be in the attempt on the part of my right hon. friend, finding himself outvoted in the Committee, to render his Amendment, by some alteration, more palatable to the House? Has the right hon. gent. himself never done any thing of that kind? Has he never new modelled a motion with a view to make it more agreeable to the House? Is the right hon. gent. to have the exclusive monopoly of the privilege of altering and amending any proposition he may bring forward for the purpose of making it more acceptable to the House? Was no improvement to be made upon learning the views of other gentlemen? Are we, then, not to learn wisdom from experience, nor to acquire more knowledge as we grow older? If there be any thing in the objection of the right hon. gentleman's, it must mean, that, having once determined to bring forward a particular proposition, any member of this House is bound to adhere even to the letter of it, and, by so doing, to risk the prospect of doing some good, merely because he could not accomplish all the good he thought desirable. Such doctrine as this is at direct variance with the whole tenor of parliamentary practice. Every gentleman's recollection must serve him to call to mind the numberless instances in which, with a view to effect some part of what may have been originally proposed, the proposer has consented to modifications, alterations, and amendments, which not unfrequently changed, altogether changed the whole frame and character of the measure first brought forward. And, indeed, how can it be otherwise? Unless he were gifted with infallibility, it is impossible for any man to reconcile the jarring, and often contradictory views and opinions of an assembly, composed as this House is, until he can ascertain, in the course of a discussion, what might be likely to prove satisfactory to a majority. In the alteration, therefore, and immaterial is the alteration, made by my right hon. friend in the Amendment proposed by him on a former night, I contend, that he has not only not been guilty of any inconsistency, but that he is fully justified by the uniform practice of parliament. But, the right hon. gent. asks, if his Amendment shall be carried, what will be the situation of the Queen, obliged, as her Majesty will then be, to choose her portion of the Household? For myself I can truly say, that I should not vote for any proposition, the effect of which would be to impose any disagreeable office on her Majesty. The Amendment of my right hon. friend, however, will have no such effect. All that is asked in that Amendment is, that six Lords of the Bedchamber should be assigned to her Majesty, as the proportion necessary and sufficient for the personal comfort of the King, and that her Majesty shall have the selection of them. Is this to impose any disagreeable office upon the Queen? Why, Sir, in another clause of this Bill it is provided, that a sum of 4,225*l.* shall be issued quarterly from the Privy Purse, and placed at her Majesty's disposal, to be distributed in the same manner as heretofore, or as her Majesty may think the King would wish it to be distributed. It might as well be said, by the right hon. gent., that this clause would impose the disagreeable task of selection upon her Majesty, as the Amendment of my right hon. friend, which leaves to the Queen the choice of such portion of the officers of the household as this House may think sufficient to be placed at her Majesty's disposal.

As to the apprehensions insinuated, not expressed, lest, if the household should not be secured to the Queen, the servants most acceptable to his Majesty should be removed, it is unnecessary for me, I trust, to say, that I do not believe they have even a shadow of foundation. I am persuaded that, whoever may be the advisers of his royal highness, none would recommend to him to remove any of the King's servants. But, after all, I really do not think the thing worth the contest. If it be satisfactory to the House that the disposition of the Household shall remain as regulated by this Bill, why in the name of God, let it be so. It is matter of very little comparative importance, for, in point of fact, it will be found, that the gentlemen of the Bed-chamber, with the exception of one, who in the former instance voted for an unrestricted Regency, and for that offence was afterwards removed, have never been disturbed on any change of administration. I do not mean any disrespect to those hon. persons when I say, that their conduct is uniformly such, as not to give offence to any administration. They are no doubt strongly impressed with the necessity as well as propriety of supporting government, and, therefore, by voting with the administration in office, of whomsoever composed, they never give cause for their removal. I am sure, I am as far as any man, from thinking that, in doing so, they do not act conscientiously. We all know, that there is a considerable number of members in this House, who act upon the same feeling of the necessity of supporting the government, and therefore generally vote with the existing administration. If it were not so, see what would be the consequence. If the majority that supports any particular administration were to stick fast on a change, there would be no going on with the public business without a dissolution of parliament.

With respect to the great officers of the Household, I am clearly of opinion that they ought to be transferred to the Regent. The patronage of the Lord Chamberlain, of the Lord Steward, and of the Master of the Horse, is a part and parcel of the constitutional influence of the executive. If that part be taken from the Prince, the question then is, will the Regent in such a case be the representative of the King? I am no advocate for the excessive influence of the crown, but this patronage, flowing from these great offices, is necessary to be at the disposal of the executive, as well for the security of the rights of the people as of the constitutional dignity and power of the sovereign. Without the aid of this patronage the monarchical, would soon be overborne by the democratical, branch of the constitution.

I say, then, that the whole of this arrangement is founded in a most unjust and injurious feeling of distrust in the illustrious person, who is to be Regent. The right hon. gent. indeed disclaims any such distrust. But if he were not actuated by such feeling, why should he not make provision for the Prince with the same care and zeal with which he makes provision for her Majesty? The right hon. gent. says that the only object in the contemplation of the framers of this Bill is, to secure to his Majesty the satisfaction on his recovery of finding himself surrounded and served by the persons of his choice. He would have us believe, that his Majesty, on awaking, would be likely to turn his thoughts to his former habits, and, if he found his Master of the Buck-hounds removed, be in danger of a relapse. If the right hon. gent. should, under such circumstances, and whilst his Majesty was liable to such a return of his malady from such a cause, venture to restore him to the exercise of his kingly functions, he would, I will assert, be guilty of a high crime. I would most cheerfully do every thing that is in my power to sooth his Majesty's cares and sufferings, and to render his pillow easy and comfortable, but I cannot from any respect, however great, for such his feelings, consent to forego my public duty. I am convinced, that his Majesty, if completely recovered, and if that recovery too were attested, properly attested as in cases of other individuals by the certificate of his physicians, so far from giving way to the impressions alluded to by the right hon. gent., his only feelings would be those of anxiety and solicitude for the interests and welfare of his subjects—feelings completely in unison with the whole tenor of his character and life. When, therefore, we are called upon to provide a Regent to represent our sovereign during his present afflicting incapacity, we cannot take any course so likely to gratify his paternal mind, as to furnish the Regent with full and adequate powers to exercise the functions of the exalted office he is to fill, in the manner most effectual for the dignity of the royal office, and for the essential interests of the community. The representative of the monarch should for such a purpose be invested with all the trappings and splendour of royalty. Upon the whole, then, Sir, I do most solemnly call upon this House not to make an experiment upon his royal highness the Prince of Wales which may be attended with the most serious consequences to the monarchy and the constitution of this country. I call upon this House to pause before it will give its sanction to the monstrous project of the right hon. gent. to ascertain by this dangerous experiment with how small a portion of the royal prerogatives the functions of the executive may be carried on. Let us gravely reflect, before we accede to such a measure, what may hereafter be the result of our now refusing our confidence to that illustrious person to whom, by the course of nature, our allegiance will be at no very distant period due. Let us, before we take from him, placed in the execution of the duties of the royal office, the power of creating peers, consider seriously to what consequences such a restriction, imposed now, may lead when the Prince of Wales shall hereafter succeed to the throne. We know, that differences upon political questions must at all times exist, and is it not likely that, when George the 4th on his accession to the crown, may think proper to exercise this prerogative by the creation of a new peer, those, who may think the elevation of the individual not expedient, will say, 'we should have foreseen all this, we knew the Prince when he was Regent, and we refused to place confidence in him, it is all our own fault, as we did not take care to tie him up as to this prerogative when we had him in our power.' Is not this the language that we are to expect on such an occasion, and can we justify it to ourselves to impose the restrictions now proposed without any just ground or necessity, but with a certainty that they will give rise to such feelings hereafter, as may destroy the harmony that ought to subsist between a paternal sovereign, and a loyal people? Our object at present is to appoint a representative of the King, and our first care should be to furnish him with all the powers necessary for the due performance of the royal functions, without suffering ourselves to be biassed by any political views whatever.

The *Chancellor of the Exchequer* in explanation said, that he had mentioned that it was impossible to make any permanent provision, when perhaps after six weeks his Majesty might recover, and when they indulged the sanguine hope that his Majesty's illness would be of very short duration.

The House then divided,

For the Amendment............ 190
Against it......................... 212
Majority..........................——22

List of the Minority.

Abercrombie, hon. J.
Adair, R.
Adam, W.
Agar, E. F.
Anstruther, rt. hon. sir J.
Antonie, W. L.
Archdall, M.
Astley, sir J.
Aubrey, sir J.
Babington, T.
Bagenal, W.
Baker, J.
Bankes, H.
Baring, sir T.
Baring, A.
Bennet, R. H. A.
Bentinck, lord C.
Bernard, S.
Bewicke, C.
Biddulph, R. M.
Blachford, B. P.
Blackburne, J.
Blackburne, J. T.
Bligh, T.
Bradshaw, hon. A. C.
Brand, hon. T.
Brogden, J.
Brougham, H.
Browne, A.
Buller, J. (Exeter)
Bunbury, sir T. C.
Burdett, sir F.
Butler, hon. J.
Byng, G.
Calcraft, J.
Calvert, N.
Campbell, lord J.
Canning, rt. hon. G.
Canning, G.
Chaloner, R.
Cocks, J.
Coke, T. W.
Coke, E.
Combe, H. C.
Corry, T. C. S.
Cuthbert, J. R.
Daly, rt. hon. D. B.
Dent, J.
Dickinson, W.
Dundas, C.
Elliot, rt. hon. W.
Ellis, C. R.
Evelyn, L.
Fellowes, hon. N.
Ferguson, R. C.
Fitzgerald, lord H.
Fitzgerald, rt. hon. M.
Fitzgerald, W. M.
Fitzgerald, A.
Fitzpatrick, rt. hon. R.
Foley, hon. A.
Foley, T.
Folkes, sir M.
Folkestone, visc.
Forbes, visc.
Frankland, W.
Freemantle, W. H.
Giles, D.
Gower, earl
Gower, lord G. L.
Grant, G. M.
Grattan, rt. hon. H.
Greenhill, R.
Greenough, G. B.
Grenfell, P.
Grenville, lord G.
Halsey, Jos.
Hanbury, W.
Herbert, H. A.
Hibbert, G.
Hippisley, sir J. C.
Hobhouse, B.
Horner, F.
Horrocks, S.
Howard, hon. W.
Howarth, H.
Hughes, W. L.
Hume, W. H.
Huntingfield, lord
Huskisson, W.
Hussey, T.
Hutchinson, hon. C. H.
Jackson, J.
Jekyll, Jos.
Johnstone, sir J.
Johnstone, G.
Innes, H.
Kensington, lord
Knox, hon. T.
Lamb, hon. W.
Latouche, D.
Latouche, J.
Leach, J.
Lefevre, C. S.
Leigh, R. H.
Lemon, sir W.
Lemon, J.
Lester, B. L.
Lloyd, J. M.
Longman, G.
Macdonald, J.
M'Naghton, E. A.
Martin, H.
Mathew, hon. M.
Maxwell, W.
Meade, hon. J.
Mexborough, earl of
Milbank, sir R.
Miller, sir T.
Mills, C.
Mills, W.
Milner, sir W.
Milton, visc.
Monckton, hon. E.
Moore, P.
Morpeth, visc.
Morris, E.
Neville, hon. R.
Newport, rt. hon. sir J.
North, D.
Northey, W.
O'Callaghan, J.
Ossulston, lord
Palk, sir L.
Palmer, C.
Pierse, H.
Pelham, hon. G.
Percy, earl
Philipps, R. M.
Pole, sir C.
Pollington, visc.
Ponsonby, rt. hon. G.
Ponsonby, hon. G.
Porchester, lord
Power, R.
Prittie, hon. F.
Poyntz, W. S.
Quin, hon. W.
Robarts, A.
Romilly, sir S.
Russell, lord W.
St. Aubyn, sir J.
Savage, F.
Saville, A.
Scudamore, R. P.
Seymour, lord R.
Sharp, R.
Sheridan, rt. hon. R. B.
Shipley, W.
Simpson, hon. J.
Sloane, W.
Smith, J.
Smith, A.
Smith, W.
Smith, H.
Somerville, sir M.
Stanley, lord
Stanley, T.
Stewart, Jas.
Symonds, T. P.
Talbot, R. W.
Tarleton, B.
Taylor, W. M.
Taylor, M. A.
Temple, earl
Thornton, H.
Thornton, R.
Tierney, rt. hon. G.
Townsend, lord J.

Tracey, C. H.
Turton, sir Tho.
Vaughan, hon. J.
Vernon, G. V.
Walpole, hon. G.
Ward, hon. J. W.
Wharton, J.
Whitbread, S.
Williams, O.
Wynn, C.
Wynn, sir W. W.
Wrottesley, H.
Yarmouth, earl

The *Chancellor of the Exchequer* proposed his first clause, which was to direct the Lord High Treasurer to issue certain sums for the payment of the officers of the Household; which clause was agreed to without a division.

The second required the Lord Keeper of the Privy Purse to take an oath every year before one of the Barons of the Exchequer, that no part of the annual sum of 60,000*l.* should be applied in any payments to any member of that House. This clause was also agreed to.

The Bill so amended was then reported to the House.

Mr. *Whitbread* moved, that instead of the words "assisting his Majesty," should be inserted the words, "providing for the exercise of the royal authority." He thought it was absurd to speak of assisting his Majesty in the government at the present time.

The *Chancellor of the Exchequer* said, that the Bill went throughout on the idea of assisting his Majesty in the government, which was to be carried on in his name. He therefore could not agree to the Amendment.

The proposed Amendment was then negatived.

Mr. *Whitbread* then proposed as an Amendment, that before the words "resumption of his royal authority," the word "eventual" should be inserted.

This Amendment was also negatived.

Mr. *Whitbread* also moved, that the word "mental" should be inserted before the word "health," which was also negatived.

Lord *Castlereagh* rose to move an Amendment nearly similar to that which he had before moved in the Committee, at the same time that he wished that the Queen should have the complete controul over that part of the Household which was necessary for the comfort of the royal person, yet he wished that such a selection might be made from the Household, as to enable the Regent to appear with sufficient splendour without appointing separate officers for himself. He thought that those great officers of the Household who attended the Sovereign only on occasions of state, might very properly be transferred to the Regent and placed under his controul. He thought those offices ought not to be allowed to be mere sinecures, but that the officers should be obliged to perform those services to the Regent, which at present they cannot perform to the King. These officers were the Lord Chamberlain, the Groom of the Stole, the Steward of the Household, the Master of the Horse, and the Master of the Stag-hounds. Any duty which they could have to perform about the person of the Sovereign might be discharged as well by deputies under the controul of her Majesty. He was not afraid of giving the Regent the power of removing them. If, without any regard to delicacy, it could be supposed that they would immediately be removed, it could not be doubted but they would be immediately replaced on his Majesty's return to health. His lordship concluded by moving a long Amendment, which embraced the various points mentioned in his speech.

This Amendment was negatived.

Mr. *Canning*, without any preface, moved an Amendment similar to that which he had proposed in the Committee; (see p. 884) and this Amendment was also negatived. After a few verbal observations, the Bill was ordered to be read a third time to morrow, if engrossed.

HOUSE OF LORDS.

Wednesday, January 23.

[PROXIES.] The order of the day having been read,

The *Lord Chancellor* first moved the reading of the Report of the Committee respecting Proxies, (see p. 752.) which having been read, his lordship next moved the reading from the Journals of the Circular Letter transmitted to each Lord by the Lord Chancellor, by order of the House on the 1st of November, which having also been read, his lordship observed, that there was an error in the Report of the Committee, it having since been discovered that Proxies were actually entered both on the 30th of March and the 2d of June, 1660, but whether they had been used he had not been able to discover. He did not, however, consider either of the documents which had been read as at all affecting the decision of the House with respect to the question of Proxies. His lordship then entered into a detail of the proceedings of the House on the 4th instant. It was in consequence of these proceedings that he had felt it his duty to call the attention of their lordships to this very important subject. It had been intimated to him by some whose opinions he highly respected, that it was unnecessary to discuss the question now that parliament had been opened, and there could be no doubt that the Lords had a right to vote by proxy; but he was anxious, nevertheless, to call the attention of the House to the subject, fearing that the proceedings to which he had alluded, might be drawn into a precedent upon some future occasion; and anxious that the Peers of England might not, under the influence of such a proceeding, be divided into two bodies, those present and those absent, in contradiction to the uniform constitutional usage of that House, by which, the Lords personally absent, had the right of being present by their proxies. He conceived, that according to that constant usage of parliament, it would be a sufficient compliance with a writ of summons, or a call of the House, for a peer to send his Proxy. They had not now to discuss any question respecting writs of summons, where personal attendance was absolutely required, their lordships not being summoned by any such writs. The main question, therefore, rested upon the usage of parliament. It had lately become a sort of fashion, to talk of it as an absurdity, that what had been agreed to by a majority in a Committee should be reversed, on the House being resumed, by a majority the other way, through the means of Proxies. He should only say in answer to this, that the right of the Lords to vote by Proxy, had been proved by the constant usage of parliament, and that it was no argument against a right or a privilege, to urge that it might be abused. It might happen, he was confident it had not hitherto occurred, that when a debate had been going on from five o'clock, a Peer might come in at two or three o'clock in the morning and give his vote, although knowing nothing of the subject in discussion. It might also occur at some future period, he was sure it had never happened, that a Peer might come in at the end of a judicial business and give his vote, although he had not heard the arguments, and was ignorant of the point at issue. Was it, however, to be argued, that because these abuses might exist, that therefore any restrictions were to be placed on the votes of noble lords present? The same argument applied to Proxies. In whatever way the voting by Proxy was to be considered, if as a privilege, there was no reason why their lordships should relinquish it, and if as a duty, in being thus present in the House, it ought to continue to be exercised. In judicial business, it was determined, long since, that Proxies should not be admitted; but that decision was taken by a constitutional majority of the House, including the lords present and those absent, but voting by Proxy. His objection in the late instance was, that the majority was not thus constitutionally composed. The noble and learned lord entered into some historical detail, for the purpose of shewing the uniform usage of voting by Proxy, and particularly instanced the period of 1660, when Proxies were entered, and even Bills carried on to a second stage, before the causes of the meeting of parliament had been declared, either by the King in person or by any commission. The great uneasiness he felt respecting the late vote relative to Proxies arose from the doctrine which had been held out, that it was not parliament but the estates of the realm which had assembled. Against this doctrine he most solemnly protested. Parliament was prorogued by his Majesty's Commission on the 20th of September, to the 1st of November, and assembled regularly on the 1st of November, under that prorogation. The Lords and Commons, he contended, were thus assembled as Houses of Parliament, and possessed all the privileges which attached to them as such. This being the case, he maintained that the lords absent had an equal right to vote by Proxy, as those present had to vote personally. He did not mean to argue the question, as applying to the case of the two Houses assembling without the authority of the King's commission; but, having assembled by virtue of a prorogation under the authority of the King's commission, he contended that the right of voting by Proxy, attached to that House, in common with other privileges. —The noble and learned lord concluded by moving four Motions, which were in substance—

"That upon any question finally put by the Speaker, upon any business depending in the House, Proxies shall be counted on a division, unless there shall be a standing order to the contrary, or unless it shall be otherwise determined by the House on a decision taken previous to the decision on the main question.

"That upon any question for not admitting Proxies, moved previous to the decision upon any question before the House, Proxies shall be counted on a division, and that it shall be competent for any lord to move, that such questions for not admitting Proxies be not now put, and that upon such previous question, Proxies shall also be counted on a division.

"That when the House of Lords shall be duly assembled, although the causes of their meeting have not been declared upon any question finally put, &c. as in the first motion.

"That in the House of Lords, so assembled upon any question for not admitting Proxies, &c. as in the third motion."

The Earl of *Moira* said, that no doubt existed, that the power of voting by proxy, was a right legitimately appertaining to their lordships; it was perfectly needless to enter into any elaborate argument, to substantiate so evident a proposition; but it was likewise indisputable, that the House, exercising its functions as a deliberative body, could controul its own rules of proceeding, and possessed a discretionary power of regulating them by views of public interest and expediency. For what purpose, he would ask, was the House called on to accede to the Resolutions moved by the noble and learned lord? Was it desired to establish a new precedent for a particular occasion? None applicable to it existed already. But if no such precedent was in existence, it was, because it had been hitherto deemed an act of extreme impropriety and indelicacy, to make any provision for a future emergency, the extent and nature of which, it was impossible to anticipate, or foresee. It would not have been decent to have framed any prospective measures, with a view to a situation of things, which could never have been previously contemplated in all its different bearings and relations. The real meaning and object of the motion was, to attack the late proceeding of the House, by a side wind; the gauntlet had been thrown down by the noble and learned lord; but he should not forget, on entering the lists, that on the issue of the contest depended the most essential interests of the country. With this conviction, he could not be diverted by the gratulations of the noble and learned lord on the Woolsack, from a frank expression of his opinions. He must consider this as the measure not merely of the noble and learned lord, but of his colleagues; it was nothing else than a ministerial measure. Was this then a fit time to introduce such topics of discussion? was it a proper time for instituting inquiries into the origin and history of their privileges? With respect to the abstract right of voting by proxy, it was a right in which he could discern many advantages; its general utility he was fully disposed to recognize, but he denied that any good end could be answered by obtruding on the public mind (for it was notorious that this would be the case) questions of this nature at such a period. It was most unwise, he conceived, to pass any particular Resolutions on such a subject under the circumstances in which they were then assembled, and the consequence of which would be to draw the attention of the people at large to considerations by no means familiar to their understandings. He would, however, looking at the question before the House, put it to any noble lord who heard him, whether it was not a principle in human nature that men might frequently be induced to do that by delegation and at a distance, which they would shrink from doing openly and in person? The noble and learned lord had appeared that night like the dramatic hero, "Well clothed in rusty armour;" but he would nevertheless not be deterred from viewing the question in its true bearing, and declaring his opinion that that dæmon alone which had led ministers into so many measures fatal to the best interests, and subversive of the constitution, of the country, could have inspired them with a sufficient degree of indiscretion to introduce the subject of that night's debate. Did the noble lords opposite to him imagine that the people were to be so easily deluded, that Britons had lost so much of their ancient spirit? In 1788 the question stood on different grounds, but had they not now the Report of the Committee before them, and did not that Report contravene the doctrine of the framers of this Resolution? To that Report the noble and learned lord had forgotten to advert, because that Report, in fact, decided the question at issue. It put a complete negative on the proposition. The only part of the subject on which any doubt had ever existed was, whether, under the form in which the House was recently assembled proxies could be regularly admitted. What was the nature of the conduct of ministers throughout the whole of the present business? Their first attempt was to deprive the Regent of a part of the sovereign's prerogatives in restricting him from conferring peerages, as if this power was a boon to the chief magistrate, and not entrusted to him for the benefit of the people. Noble lords could not but remember that this was a prerogative vested in the head of the government for very important constitutional purposes. It was designed to give him a security in that House against any preponderating influence in the other scale, and against the machinations of any set of men who might form a confederacy against the true and legitimate interests of the crown. It was to preserve the just balance of the constitution, and to render regal authority co-ordinate with the influence of the democracy. The influence of the Crown in that House he would assert to be a just and a constitutional influence, and the most injurious consequences he was convinced must arise from its division. If this fair and recognized influence was put into other hands; if this point were once carried; then he would say, that a step had been taken hostile to the whole spirit, and dangerous to the future security of the constitution. He charged the noble lords opposite with endeavouring to establish such a confederacy as he had described, an endeavour in which, if they succeeded, the House and the country must necessarily be brought into that state which, of all the forms of human policy and government which the history of the world could furnish, had been uniformily found the most odious and intolerable—a state from which men had always fled, as infinitely worse than the most unrelenting tyranny exercised by a single despot. His caprices might be precarious, his passions transient and violent, but at intervals; but who could evade the stern rule and rigorous jealousy of an ambitious oligarchy? It was a nest of scorpions, never stirring but to sting. He did not wish to be understood as insinuating that the noble lord deliberately planned or foresaw all the mischief likely to result from the proceeding he proposed. In the zeal of the party he probably overlooked the deep and certain evils attendant on the measures which he recommended.—Under all the circumstances to which he had referred, he could not believe it possible that the House would vote for the Resolutions that had been moved. It was unnecessary; the point which it declared was undoubted. They were a parliament now, it was urged: but it had been declared by the noble and learned lord, that they were before a parliament also legally assembled, when proxies were on one occasion rejected. The reason stated for not trying the question before was the paucity of attendance, which he could not help considering as a decisive argument against the noble lord himself. Upon the full conviction that the House, by adopting the Resolutions before them, would appear to have formed a league against the most substantial and pressing interests of the country, he would move, That the House do now adjourn.

The Earl of *Liverpool* rose, simply to suggest that as a Message from the Commons was at the door, he would amend the motion of the noble lord, in order that the Message might be received, and would therefore move, That the House do adjourn during pleasure.

The Chancellor of the Exchequer, attended by several members of the House of Commons, brought up the Regency Bill, which was immediately read a first time, ordered to be printed, and to be read a second time to-morrow.

The Earl of *Moira* then renewed his motion.

The Earl of *Ross* reminded their lordships that their privileges as peers were deeply involved in the present question. They were now sitting, and had been sitting since their first meeting as peers of parliament; they had been sitting as such in virtue of the last prorogation, and as such he conceived their right to vote by proxy as a right inherent in them as peers. If they had not been sitting as peers of parliament, by what right or authority had they adjourned from time to time? By what right did they frank letters? He regretted much the discussion that had taken place on a former evening respecting this right. That discussion turned on points very intricate and perplexed; indeed, he was sorry to add, it was hurried into something bordering on confusion. If they had been wrong on that occasion, it was magnanimous and wise to acknowledge and correct their error; if they were right, there was no necessity for the present discussion. He must warn them, however, strenuously to assert and defend their right of voting by proxy, as one of their most ancient and valuable privileges; for if they neglected asserting and protecting it, on the present occasion, they might establish a precedent, of which advantage might be taken, to attack and invade them on some future occasion.

The Earl of *Mansfield* maintained that the right of voting by proxy had been acknowledged and established as a privilege of peers of parliament almost from time immemorial. It was a right which their lordships possessed in distinction from the House of Commons, and by the express permission of the sovereign who commanded the advice of the peers of the realm either in person, or as signified through other peers. Of this, the history of the country afforded abundant proofs, particularly in the reigns of Henry 8th, Charles 2nd, and James 2nd. It was a right which they possessed in virtue of their very writ of summons to attend in parliament, and it was a right of which he trusted they would not allow themselves to be divested.

The Duke of *Norfolk* denied that the privilege of the members of that House voting by proxy, was an inherent right. It had been at various periods extended to a great length; but the House had, by its own standing orders, at different times limited and modified it. It was not allowed in the judicial proceedings of that House, nor when their lordships sat in committee. How, then, under such circumstances, could it be considered an inherent right? It was also not admitted in the periods of 1788-9, when the Regency question was before the subject; and it was extraordinary to see those noble lords who dwelt so much on the propriety of adhering to that precedent in other points, endeavour to deviate so widely from it in this case.

Earl *Stanhope* expressed his determination to vote for the motion of adjournment; not that he shrunk from the discussion, but because it was one mode of rejecting the Resolutions of the noble and learned lord. That noble and learned lord must excuse him, when he said that out of his own mouth he would convict him. He would shew that he had refuted every argument that night advanced in favour of his Resolutions, by the very doctrine inserted in his Protest. In his Resolutions he spoke of inherent rights, whilst his Protest admitted the power of the House to limit, modify and controul the privilege of voting by proxy. With respect to those protests he must say, that amongst all the Dissentients, that to which the signature of Arden was affixed, was by far the wisest, because it very properly abstained from attempting to give any reason at all. But the Protest of the noble and learned lord, if well founded, was the strongest censure on his Resolutions; whilst on the other, if his proposed Resolutions were correct, his late Protest was a mere mockery. Such of their lordships, as were versed in Parliamentary History, must be aware that the House itself had felt it its duty to interfere against the abuse to which this privilege led. When on an occasion a peer came down with no less than seventeen proxies in his pocket, had the noble and learned lord ever read the standing orders on that subject, he would certainly have learned to restrain his zeal and mitigate his anxiety on this point. I observe, (said earl Stanhope) that the noble and learned lord shakes his head whilst his elbow is shook by another noble and learned lord (Redesdale) near him; no doubt the whisper is, "Look you here, Jack, when next we sign a Protest, we must go down early to the House and read it over together."—"Yes," answers Jack, "and with care and attention too; for if we do not, there is that logical fellow Stanhope in the House of Lords, who will read it publicly after us." The noble and learned lord, however, contended, that when the House met it was a constituent branch of the parliament. He used the word parliament just as it answered his object; and his application of the term, reminded him of the definition of what was called a pun. It was defined to be the taking of a word in two senses, when it was predicated of the one that which was meant of the other. A young woman, a neighbour of his in Kent, asked her lover, when discoursing on this point, once to give her an example.—"Give me a subject," said her lover. "His Majesty," said the young woman. "His Majesty cannot be a subject," was the answer, and the pun. Similar was the interpretation put upon the term parliament by the noble and learned lord. But he would ask if this privilege of voting by proxy was an inherent right, why was it submitted to a Committee to investigate the nature of that right? The very appointment of that Committee proved at least that it was doubtful, and when there was a doubt, who but the House could decide upon it. It had decided, and the decision of them had given the greatest satisfaction both in town and country. In some country village it was told him that soon after that decision, an honest Whig barber had put on his sign a placard, saying, "Whigs shaved here for a penny, and Tories for three half-pence." When asked why he made the distinction? his reply was—That since the late memorable triumph of the Whig Lords against Proxies, the Tories had such long black muzzles that the operation of shaving them was rendered much more difficult. (A laugh). To allow such a power on the late occasion, would have been attended with the most dangerous results to the constitution. It would establish the worst species of oligarchy, an oligarchy that neither listened or reasoned, an oligarchy of parchment and of paper.

The *Lord Chancellor* had not heard much argument to which he thought it necessary to reply. He thought, however, that neither he himself, nor the subject before the House, nor even their lordships' House, had been treated very gravely. One noble lord had represented him as coming down to the House clad in rusty armour; and he must suppose that it was to shew contempt for such an adversary that the noble lord, though unarmed himself, should have so attacked him though thus clad in rusty armour. It had also been observed, that people out of doors could not have much respect for their proceedings, if noble lords were to vote not in person, but by proxy, not having heard the grave reasonings which might have been urged to impress conviction on their minds. He could only say, that after the speech which he had heard from the noble earl who had spoke last, it would be for their lordships to consider, whether it would not be better consulting the dignity of that House, and the decorum of their proceedings, to vote rather by Proxy than in person.

The question was then put on earl Moira's Amendment, when the House divided,

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HOUSE OF COMMONS.

Wednesday, January 23.

[PETITION FROM LEWES RESPECTING THE REGENCY.] Mr. *Sheridan* presented a Petition from the burgesses and inhabitants of Lewes, in Sussex, against the restrictions on the Regent. The members for the place being prevented from attending by sickness; and lord Francis Osborne being absent, it had come into his hands. Although it spoke of the conduct of the King's ministers in strong terms of indignation and reprobation, yet, as there was nothing in it disrespectful to the House, he thought there could be no objection to receive it.

The Petition was then read, setting forth,

"That the Petitioners have watched, with the most anxious attention, the proceedings instituted in the House on the subject of providing for the exercise of the royal authority during the continuance of his Majesty's melancholy illness; and that, most deeply impressed with the general unanimity of opinion that prevails amongst all classes of his Majesty's loyal subjects on the expediency of the office of Regent being filled by his royal highness the Prince of Wales, the petitioners beg leave to state to the House their humble doubts of the wisdom which could bring under discussion the abstract right of the two Houses to act upon this occasion, nor can they avoid noticing, after the facts to be found recorded in the Journals of the House during the last session of Parliament, that the alledged right of the House in this respect can scarcely be said to arise from the House including the full and free representation of the Commons of the realm; and that, disclaiming however all manner of offence to the House in the present mention of this topic, and far from wishing to agitate any question of right, they beg leave humbly to represent to the House, that it is a fundamental principle of the Constitution, avowed and acted upon by his royal highness the Prince of Wales himself, that the prerogatives and powers of the crown are vested in the crown as a trust for the benefit and happiness of the people, nor do the petitioners believe that, amongst any other people in the world, could such a suspension of the powers and prerogatives of the crown, as has taken place in this country during the last ten weeks, and such an insidious attempt, by a corrupt and incapable administration, to limit and restrain them during a much longer period, have occurred, without disturbing the public tranquillity, and possibly not without bringing real ultimate danger on the crown itself; and that they humbly conceive, if the powers and prerogatives of the crown are necessary at all, they ought to be in existence at all times, nor can much less danger on behalf of the people be thought to result from seeing those powers and prerogatives divided, restricted, or usurped, by the factious combination of any class of persons in the state, than from seeing great public abuses passed over unredressed, or any glaring defects in the representation unreformed; and that whilst they estimate too highly the affection and sense of duty of his royal highness the Prince of Wales to his Majesty and the people, to think him capable of wishing for power or even praise to the injury of his royal father, still they cannot suffer the character of a prince, upon whose public virtue they found so many cheering hopes, to be insinuated away by a string of distrustful and unnecessary restrictions on his means of providing for the public good, without offering to the House their humble representations on such a baneful attempt, nor without marking with their decided disapprobation the conduct of men, who in the course of such an attempt, are constantly putting forward the private virtues of his Majesty as a shield for their own public crimes and ill-conceived schemes of ambition; and that the evils which have already ensued from leaving the government of the country during a period of such unusual difficulty in the hands of such men, and more particularly their late daring and unconstitutional attempt to draw money from his Majesty's exchequer without the consent of the two Houses, dangerous and irregular even as that mode of proceeding is, have excited in the bosoms of the petitioners the most well-grounded alarms, lest any further delay should arise in providing for the exercise of the royal power; and though it may be now too late to hope that the House will deviate from their intended mode of proceeding by Bill, and adopt at once the more natural, the more constitutional, and the more efficient mode of proceeding by Address to his royal highness the Prince of Wales, requesting him to take upon himself the government of this realm, during the continuance of his Majesty's illness, free from all restrictions and limitations of any kind; nevertheless, they submit to the House their earnest prayer, that the Bill now pending in the House may be proceeded in for the sake of avoiding further difficulties with all possible and proper dispatch, and that provision be made in the said Bill, that all clauses of restriction on his royal highness the Prince of Wales, from exercising all regal powers, jurisdictions, and prerogatives to the crown and government belonging, if now impossible to be consistently avoided altogether, may be at least confined by the House to the shortest possible period proposed for their enactment."—Ordered to lie upon the table.

[REGENCY BILL.] The Chancellor of the Exchequer moved the third reading of the Regency Bill.

Sir *T. Turton* took notice of some inconsistency between the title and provisions of the Bill. The object was, as the title stated, to provide for the administration of the royal authority, whereas the preamble of the bill expressed the intention to be to assist his Majesty in the administration, &c. He therefore wished to amend the preamble. He also objected to the word "portion" in the Household clause, and proposed to leave it out.

Mr. *Johnstone* stated shortly the grounds upon which he objected to the several provisions of this bill. He objected most strongly to the limitations, and disapproved of the plan of vesting in trustees 40,000*l.* out of the privy purse. He also objected to the extent of patronage given to the Queen. Notwithstanding the long discussions that had taken place, and the ability which had been displayed in these discussions, it did not appear to be thoroughly known to many in the House, he was sure the public did not know, the amount of the patronage to be vested in her Majesty. In the other House there were 25 Peers belonging to the King's Household, and four belonging to her Majesty's establishment; and among the Commons there were seven members belonging to the King's, and one belonging to the Queen's Household; all to be under the influence of her Majesty. The amount of their salaries was 30,000*l.* per annum, as had been admitted in 1789; and besides this, other patronage in the Household, to the extent of 70,000*l.* per annum, would be placed in the uncontrouled gift of her Majesty. The places, too, were of great value, some yielding 1,200, others 1,400, others 1,800*l.* per annum; and the whole number of places was 150. He could not think it constitutional to take away such an amount of patronage from the executive government; and believing the whole to be necessary for the government, he did not think it safe to withdraw so much, and to place it in hands where it might be turned against the Regent's administration. But even this was not the whole of the patronage of the Household; there was an expenditure of 210,000*l.* in the departments of the Lord Chamberlain, the Lord Steward, and Master of the Horse. It had been assumed, in Mr. Burke's Bill, that this was under the controul of the Treasury; but the Treasury only interfered where there happened to be an excessive issue for any departments; and it was doubtful whether even this controul was not at present removed. Such a patronage might be turned to mischievous purposes, he did not think it would; but they must legislate against possibilities, It was to the last degree improbable that the placing such powers in the hands of the Queen would be necessary to secure the restoration of the royal authority to his Majesty, but they legislated against the possibility, and this was as necessary in the case of the Queen as in that of the Regent. He objected to this for another reason, it removed the splendour of the crown from its proper situation. That splendour was useless around a sick bed, and ought to accompany the executive authority in the same manner as the controul over the army and navy. Besides, the Regent must have some establishment to support the pomp of the regal authority, and an additional expence of 100,000*l.* would probably be incurred for that purpose, which might have been saved if the chief part of his father's Household were to be given to the Regent. There would be no want of duty to the Sovereign in this, as a proper care of the monarchy must be consistent with his interest, and gratifying to his feelings.

Mr. *Lambe* complimented the just and able argument of the last speaker, and stated that he did not mean to go into the subject at length; but he protested against the delay which had taken place, against the mode of filling up the vacancy of the royal authority, and against many of the provisions in the Bill. He was the more anxious to declare his opinion on the general measure, as having voted for some modifications of these provisions, such as reducing the duration of the Restrictions, and preserving a greater portion of the Household for the Regent. But he still adhered to the opinion given by him on a former occasion, that there ought to have been no Restrictions at all. It had been recommended to pass this Bill on the precedent of 1789; but that precedent was itself of a novel nature, and contrary to all former precedent. It was founded on reasons of expediency; and if Restrictions were then expedient, he was sure that it was much more expedient now that there should be none. It was an established doctrine of the constitution that the crown could not dispense with an act of parliament without the consent of both Houses, and it was equally clear that the two Houses could not dispense with, nor suspend, any of the royal prerogatives without the assent of the King.

Mr. *Adam* called the attention of the House to the clause respecting the Privy Purse. What he wished particularly to state, was, that neither in the Resolution submitted to his royal highness—nor in any part of the proceedings—nor in the opening speech of the right hon. gent.—nor in the communication made to the Prince, had any notice been given of this Clause, relative to the Privy Purse. In the original communication of the right hon. gent. to the Prince, nothing had been said about it, and consequently no answer could have been given on that point. The right hon. gent.'s letter referred merely to the general subject, without touching upon the Privy Purse, or the nature of the enquiry which it was designed to institute.—Mr. Adam then read the following passage of Mr. Perceval's letter to the Prince, dated 19 Dec.:—

"That such personal property of his "Majesty as may not now be vested in "trustees for his Majesty's use, should be "vested in trustees, to be appointed by "the Bill. That her Majesty, the Prince "and certain other persons, should be the "trustees, and that the trust should be "subject to his Majesty's disposition by "deed or will; and in the event of the "demise, without will, his property should "be subject to be distributed according "to law."

Mr. Adam then stated, that these expressions could not be considered as having any reference to the Privy Purse; if they had, his Royal Highness the Prince, who felt most anxiously upon the delicacy due to his Majesty on that subject, would certainly have expressed himself upon it in his Answer; but on the perusal of the Answer, dated 20th December, it would be seen that nothing was to be found concerning it. The Prince's Answer, he stated to be as follows:—

"The Prince acknowledges the receipt "of Mr. Perceval's detailed statement of "those measures which Mr. Perceval in"forms him, his Majesty's confidential "servants have decided to submit to the "Lords and Commons now assembled, as "the means of providing for the exercise "of the royal authority, should the King's "indisposition be unhappily protracted.— "The Prince, though fully sensible of this "early communication, cannot but in "some degree feel embarrassed by it, in "as much as it rests with him to judge; "nor does he deem himself entitled to "assume, how far the wisdom of the two "Houses of Parliament may think it ad"viseable for the public welfare, to adopt "the plan communicated by Mr. Per"ceval; were it not for this difficulty, "the Prince would refer Mr. Perceval to "the Prince's Answer to Mr. Pitt's Letter, "on the 30th of December, 1788, that "Letter containing the outlines of the plan "intended then to be acted upon by his "Majesty's confidential servants: But the "Prince thinks it essential to observe that "that communication was not made by "Mr. Pitt till after the two Houses of "Parliament had come to certain Resolu"tions, as the ground work of that plan. "That Answer remains on record, and as "the sentiments contained in it were "founded on a solemn contemplation of "the principles of the British constitution, "as well as in an earnest desire to be able "conscientiously to discharge the func"tions of government in behalf of his be"loved and revered father and sovereign, "in such a manner as might best satisfy "his Majesty's well known and constant "anxiety for the advantage and honour "of his people, the Prince has only to "declare, that those principles admit of "no change.—The Prince cannot con"clude without expressing his deep af"fliction at the melancholy event which "has rendered this communication from "Mr. Perceval necessary, and without "declaring, that it will be the happiest "moment of the Prince's life, to be "enabled, by the restoration of his Ma"jesty's health, instantly to deposit at his "feet, those powers, and he trusts unim"paired, which the constitution has pro"nounced to be inseparable from the ex"ercise of the royal authority." Mr. Adam concluded by declaring, that he would oppose the clause respecting the Privy Purse, as he had done in 1789.

Mr. *Giles*, after stating his disapprobation of several clauses, such as that with regard to peerages; particularly objected to the Household clause. It purported to be founded on the Resolution, to give a certain part of the Household to the Queen. He was aware, that those who wished that the Queen should have the whole of the Household, might very consistently vote, that as large a portion of it as possible should go to her Majesty, as it had been determined, that she should not have the whole. But, how they could assent to this clause, who had contended throughout, that a portion of the Household should go to the Regent, he was at a loss to conceive; and he certainly expected to have heard some reasons from the hon. member for Yorkshire, for his support of this clause. He had voted, that a portion should go to the Regent; but surely, when he did so, he could not have meant that the Prince was only to have the Captain of the Band of Gentlemen Pensioners, and the Captain of the Yeomen of the Guards. Mr. Giles then adverted to the bungling manner in which the clause was drawn, and objected to the word "portion." Besides, he did not clearly understand, whether the exceptions in favour of the Regent were individual exceptions, or exceptions of establishments; for instance, whether the exception of a Lord Chamberlain was an individual exception, or that of an establishment. He supposed, however, it was an individual exception, and then what became of the Captain of the Yeomen of the Guards, and the Captain of the Band of Gentlemen Pensioners? They too, must, according to the construction of the clause, be individual exceptions; and yet he presumed it was intended that the Regent should have these latter establishments altogether. The Bill next went on to enact, that the Office of Chamberlain to his Majesty should not be filled up, but that the duties should be discharged by the Vice Chamberlain, who would remain with the Queen. The House then refused to the Queen and Regent, the power of nominating a Chamberlain, yet it took upon itself to appoint a Chamberlain in fact though not in name. The Vice-Chamberlain was in fact the Chamberlain, and it was mere mockery to assert that there was any difference, except in the salary. The Vice-Chamberlain had the appointments in the establishment, in the same manner as the Lord Chamberlain would have had, and could dispose of them for life. This was a proof that the comfort and splendour of the King was not the principal object of the right hon. gent., but that it was part of the tactics of himself, and his majority, to create a parliamentary influence.

Mr. *Sheridan* concurred in what had been said by his hon. and learned friend (Mr. Adam) on the subject of the Privy Purse, and hoped the gentlemen on the other side would allow that the subject had not been brought distinctly to the notice of the Prince. He could not help adverting to the impropriety of naming a person holding a situation in the Prince's Household, as a member of their Secret Committee for enquiring into the state of the Privy Purse. But in his capacity of a member of the House merely, he had no hesitation in saying, that this secret inquiry was the most indelicate and indecent part of the whole of this indelicate and indecent transaction. The right hon. gent. had said a great deal about the feelings of his Majesty, but what would be his feelings when he found that there had been an inquiry into the state of his Privy Purse? The House had the right, and it was its duty, to watch over the expenditure of money granted for public purposes; but it ought to be the last to examine into the disposal of that which had been given to the King for his private use. The right hon. gent. had the other night done him the honour to bring forward some of his verses, and he was glad to find that they had been so long remembered, and that they had had the advantage of being repeated with such good emphasis (a laugh). He was only at a loss to conceive what application they had to the subject; but, however, he was only the more obliged to the right hon. gent. for introducing the verses when no human ingenuity could discover how they applied (hear! hear! and a laugh). As to his Majesty's feelings, they would be much more wounded by this inquiry, than by any other part of their proceedings. Necessity had compelled them to do some strong acts; they had set the Great Seal to a commission, and committed a sort of parliamentary burglary upon the King's Exchequer; but to investigate the Privy Purse was most indelicate and indecent. The disposal of the bounties might have been left to the Duke of York. He was sure that all the royal dukes must have felt exceedingly mortified at such an investigation. He, however, disclaimed any disrespect to the Committee, but did not think it becoming in him to attend it.

The *Chancellor of the Exchequer* stated to the House the considerations which had influenced his conduct. In the proceedings of 1788, much jealousy had been excited on Mr. Pitt's proposing that a provision should be made to enable her Majesty to make certain payments, amounting in the whole to 16,000*l.* out of 60,000*l.* Knowing that there then had existed great jealousies on this subject, and having, on inquiry, found that without taking some such step, many important services might be left unrewarded, and many payments unmade, which would not only hurt the feelings of his Majesty, but the feelings of every one —knowing that such payments from the Privy Purse had been doubled since the period to which he alluded, he did imagine that great jealousies would have arisen, had he required a provision to be made for 2 or 3 and 30,000*l.* He did the right hon. gentleman opposite the justice to believe, that he would not have met such a proposition with any feeling of jealousy; but he thought it would have been so received by the House. Under these circumstances, he felt it to be his duty to weigh the evils attending the appointment of a Secret Committee, against the mischief that might arise from the suspension of such necessary payments, and comparing the wound likely to be inflicted in the one instance with the inconveniences likely to be experienced in the other, he had thought it his duty to move the appointment of the Secret Committee. He, in forming the Committee, had been desirous of including in it the right hon. gentleman most immediately opposed to him in that House (Mr. Ponsonby,) the right hon. gentleman who had last spoken (Mr. Sheridan,) and his hon. and learned friend (Mr. Adam.) He had thought he best consulted delicacy in introducing those names, from a conviction that they would carry on the inquiry with the greatest possible delicacy. As a Member of the Committee, he felt himself justified in saying, that the inquiry had been conducted with the utmost regard to delicacy. No information had been sought which was not absolutely necessary, and the witnesses had even been cautioned against stating that which could be done without, and against naming any one unless such name were indispensibly requisite for the information of the Committee. The inquiry had been of the most general nature, and the report had been made with the same regard to delicacy. Had the King himself been present at the Committee, his feelings would not have been hurt at their inquiries, nor had any thing transpired which could occasion him uneasiness. From what had been stated, it by no means followed, that the sums mentioned were the whole, or any thing like the whole of his Majesty's bounties, and consequently on that subject nothing could be said to be disclosed to the House or to the country that could give any idea of them. In reply to the other observations which had been thrown out, he had to observe, that the communication made to the Prince was made with a view to prevent giving offence. With respect to what had fallen from the hon. bart. opposite, he contended that the title and the preamble of the Bill were proper and appropriate. To the Amendment proposed, to leave out the words "such portion of" he had no objection. His right hon. friend (Mr. Johnstone) had left an impression on the House that there were twenty-five Lords in Parliament, officers of the Household. Whatever the number might be, they were not under the Queen's political influence, and it could not be proved that there were more than seventeen. He admitted that the clause respecting the Chamberlain was open to criticism. He had not perceived it till that day, and on perceiving it he had immediately prepared a clause to meet the evil, as it was inconsistent to enact that the Regent should make no appointments to last beyond the period of the duration of his power, while they left to a subordinate officer the means of granting places for life. He had prepared a clause to enact—"That it shall not be lawful for the Vice-Chamberlain to make any appointment for a longer period than during his Majesty's pleasure." His having so prepared this clause he hoped would prove, that it was not his only object to preserve influence for himself when his present situation should expire. For this, however, he did not suppose the hon. gentlemen opposite would give him any credit.—He hoped it would not be thought that he expected credit from that hon. gentleman in this instance, any more than he did on other occasions, where he thought his motives were equally clear.

Mr. *Wilberforce* said that he rose to answer the question which had been put to him by an hon. gentleman (Mr. Giles,) how he could reconcile his acceding to the Resolutions relative to the Household, with the support which he had since given to the provision in the Bill on that subject. He had distinctly stated, during the discussion of the Resolutions, that his great objection to the placing of the Household under the controul of the Queen was of a constitutional nature. He was averse to placing any part of the power of the crown in the hands of any individuals who might employ it against the executive. In the next place, he had objected to the granting the whole of the Household to her Majesty; but he wished at the same time that in all the provisions to be made, care should be taken to avoid every thing by which his Majesty's feelings might be affected, for whom he had always professed the utmost tenderness. The part of the Bill of 1789 which was the most exposed to objection was that in which so great a sum was given to the Queen's disposal; and his right hon. friend, now no more, (Mr. Pitt) entertained doubts of the propriety of this measure; but he resorted to it because he said he could not do otherwise, without introducing confusion in the Bill. He repeated, that his great objection to the vesting of so much power in the Queen was of a constitutional nature; he was averse to the placing of any great share of influence in the hands of any other person than the head of the government; but when his right hon. friend proposed that all the great officers should be irremoveable, he could not conceive that any objection longer remained to the measure. With regard to influence, if men were to be influenced by unworthy motives, he could not but conceive that they were more likely to be influenced from a desire to gratify the Regent, whom they knew would hereafter be their Sovereign, than from any advantages they could derive elsewhere. He wished, indeed, as little as possible to be taken from the power of the Regent, but, at the same time, he wished to keep in view the feelings of her Majesty; and when he came into particulars, he thought it was not proper to break in upon his Majesty's feelings, by giving a little more or a little less than what might be strictly necessary. He had therefore objected to the giving the Regent the disposal of the Master of the Buck-hounds, for he thought that it would have looked as if they were wishing to curtail and squeeze his Majesty; that it would have looked as if they were envious of his Majesty's comforts. There was no saying what impression might be made on the feelings of his Majesty by such a consideration. It might be said, "surely this or that measure can never have any such effect," but he thought that it was necessary to make a stand somewhere. He would now repeat what he had already stated, that the great objection of a constitutional nature he considered as obviated by the measures of his right hon. friend. The inquiry into the expenditure of the Privy Purse had been strongly blamed. He could not but think that the wakeful jealousy of an hon. friend (Mr. Whitbread) if he would allow him the appellation, would have taken the alarm had so great a sum as 30,000*l.* been disposed of without any examination. The oath that was to be taken was the same as that which was prescribed on a former occasion—that no part of the sum was to be expended for political purposes. A right hon. gent. (Mr. Sheridan) had stated his reasons for not attending the Committee; but if he was not there, or his learned friend (Mr. Adam), other friends of his were there; and when he said that this inquiry was the most indecent and indelicate measure he had ever known, he was rather severe on some of his own friends, who were members of that Committee.—On a question of this importance, it was hardly possible not to form different opinions, but he thought it but fair to state, that in his opinion and he believed in the opinion of the country at large, his right hon. friend the Chancellor of the Exchequer had, throughout the whole of these proceedings, done himself immortal honour; and that from the talents and abilities he had shewn, and the delicate regard for the interest of his Sovereign which he had displayed, he had proved himself not only worthy of the high situation which he had the honour to fill, but deserving of the affection and confidence of the public at large—which affection and confidence he believed him to possess. (Hear! hear!)—The measure of 1789 was one which did the greatest honour to the memory of his illustrious friend; and to that measure his right hon. friend had made great improvements. He had freed it from the greatest objection to which it was liable, the vesting a power in hands that might turn it against the government. His right hon. friend had well stated, that the measure was not intended to be permanent, but for a short time, and all that had been said about his Majesty's feelings had been said upon that ground.—Before he sat down he would remark, that it appeared to him that all the objections which had been urged originated in the idea that the Prince had a claim of right to the Regency; all that had been urged for the proceeding by Address rather than Bill, had its origin there. It was the duty of the House to express themselves in such a manner as to remove all ground for such ideas in future. Upon the whole, he had no doubt, that when the present measure should be candidly examined, and calmly reviewed, his right hon. friend would receive that to which he was justly entitled —disinterested praise, and universal applause.

The Bill was then read a third time. The clause of the Chancellor of the Exchequer was added to the Bill by way of rider. Sir T. Turton's Amendment, for omitting the words "such portion of" was put and agreed to. An Amendment, proposed by Mr. Giles, for omitting certain words respecting the Vice-Chamberlain, was rejected. The Bill was then passed, and ordered to the Lords.

HOUSE OF LORDS.

Thursday, January 24.

[REGENCY BILL.] On the motion of the earl of Liverpool, the Regency Bill was read a second time and committed for to-morrow, after a few words from lord Grantley, intimating his intention of strongly protesting against the mode of proceeding adopted by his Majesty's ministers.

HOUSE OF LORDS.

Friday, January 25.

[REGENCY BILL.] The order of the day being read, the House resolved itself into a Committee on the Regency Bill; lord Walsingham in the chair. The title and the preamble were postponed.

On the reading of the first Clause, constituting his royal highness the Prince of Wales Regent, "to exercise and administer according to the laws and constitution of the United Kingdom of Great Britain and Ireland, and the dominions of his Majesty, the royal power and authority to the crown of the said United Kingdom belonging,"

Lord *Grenville* noticed the words "the dominion of his Majesty," and wished to know the reason of their introduction.

The *Lord Chancellor* said, that some doubt had been entertained whether empowering the Regent to administer the royal power and authority "according to the laws and constitution of the United Kingdom of Great Britain and Ireland" would give him a sufficient power to administer the royal authority in the colonies and dependencies, and therefore, the words "dominions of his Majesty" were introduced.

Lord *Grenville* was of opinion, that conferring "the authority according to the laws and constitution of the United Kingdom," would give to the Regent the complete exercise of the royal authority in the colonies and dependencies, in which the royal authority could be only exercised in the manner directed by the laws and constitution of the United Kingdom; he, therefore, moved to leave out the words, "dominions of his Majesty" as unnecessary.

The *Lord Chancellor* thought it might be advisable to postpone the consideration of the point till the Report.

Lord *Redesdale* suggested, that by leaving out the words "according to the laws and constitution of the United Kingdom of Great Britain and Ireland and the dominions of his Majesty," the enactment intended by the clause would still be complete, constituting the Prince of Wales Regent "to exercise and administer the royal power and authority to the crown of the said United Kingdom belonging."

The Lord Chancellor agreed to this suggestion, and after some further conversation, the Amendment suggested by lord Redesdale was adopted. In another part of the Clause, enacting that "all and every act and acts which shall be done by the said Regent in the name and on the behalf of his Majesty, by virtue and in pursuance of this act, and according to the powers and authorities hereby vested in him, shall have the same force and effect to all intents and purposes as the like acts would have if done by his Majesty."

Lord *Ellenborough* proposed to leave out the words "on the behalf," as unnecessary, and to add to the last word "Majesty" "himself."

The latter Amendment was adopted, and the word "himself" was also added to the word "Majesty," in the last part of the clause, on the motion of the Lord Chancellor. The clause thus amended was agreed to. On the reading of the second Clause, respecting the signature of the Regent,

Lord *Grenville* observed that there was some documents to which it had been usual for his Majesty to sign George R. and others to which it had only been usual to sign G. R. He thought, therefore, that this enactment of the Bill, which specified the signature of the Regent merely in initials, should be altered, and proposed as an amendment, that the signature should be "George P. R. or G. P. R. in cases where it has been usual for his Majesty to sign initials only."

The Earl of *Ross* suggested that it should be left to the option of his Royal Highness, as, if the form of the signature was expressly enacted, an instrument might be rendered invalid, by an accidental variation in the signature.

The *Lord Chancellor* agreed as to the usage, with respect to some documents being signed by his Majesty George R. and others G. R. and observed, that if a document was handed to him, signed G. R. which it had been usual to sign George R. he should most respectfully suggest to his Majesty the propriety of placing a full signature to it instead of a short one.

Lord *Ellenborough* thought it would be better to leave it at the option of the Prince, to sign either George P. R. or G. P. R.

Lord *Grenville* was of opinion, that the course of office was so well understood in all the official departments, respecting which form of signature was customary to different documents, that there could be no mistake about it. The Amendment proposed by lord Grenville was adopted, and the clause thus amended agreed to.

The succeeding clauses, up to the clause limiting the period of the Restrictions, were all agreed to without observation or amendment.

On the clause limiting the period of the Restrictions to the 1st of February, 1812,

Lord *Grenville* said he should not now take up their lordships' time, by discussing the proposition of which he had given notice, and which he intended to submit to the Committee, namely, to limit the duration of the Restrictions to six months. The restrictions in the former Bill of 1789 were very wisely without limit, because at that period the two Houses had no means whatever of ascertaining the probable duration of his Majesty's disorder. Since that period they had unhappily in one sense, and happily in another, acquired experience, which enabled them to judge more accurately of the probable duration of his Majesty's affliction. They had also the evidence of his Majesty's physicians. It appeared from these sources of information, that the duration of his Majesty's disorder on former occasions had not exceeded five months; and his Majesty's physicians stated in their evidence, that if the duration of his Majesty's disorder should unhappily exceed the former periods of his recovery, they should then begin to entertain unfavourable apprehensions. Agreeing, therefore, in the propriety of the Limitations, and of limiting those Limitations in point of time, he thought that six months, from the time about which it was probable the Bill would ultimately pass, would be a fully sufficient period for the duration of the Restrictions. He therefore moved, to insert the word "August" instead of the word "February."

The *Lord Chancellor* rose, merely to declare, that knowing the weight and authority of the noble lord in that House, he never in his life felt relieved from a greater burden, than when he heard the noble lord propose six months from the present time, instead of six months from November last, as stated in his original notice.

Earl *Grey* declined entering now, into the discussion of the subject, which would come to be more amply considered in the Report; but he could not let slip the opportunity of declaring his conviction of the mischievous tendency of the system of restrictions imposed in the Bill. He, at the same time, agreed in the Amendment proposed by his noble friend, upon the principle of rendering the Bill as little mischievous as possible. He considered the clauses imposing the Restrictions, as pregnant with danger to the Constitution, and to the best interests of the country, in suspending prerogatives of the crown, which were not given for the personal advantage of the Monarch, but were trusts vested for the benefit and advantage of the people. Upon, however, the principle of rendering this baneful system as little pernicious as possible, he agreed in the Amendment proposed by his noble friend.

Lord *Sidmouth* conceived, that the noble Lord (Grenville) must have proposed his Amendment, either on the presumption that his Majesty would speedily recover, or that his recovery was hopeless. On whatever ground, however, the noble lord moved his Amendment, it must be taken in this instance, upon the authority of that noble lord, and not upon the authority of his Majesty's physicians.

Lord *Grenville* said he had heard the evidence given by his Majesty's physicians, and he could with confidence refer to that evidence in support of what he had stated.

The *Lord Chancellor* was anxious that no inference might be drawn from the expression he had used, that he, with reference to any information of which he was in possession, considered the period of the restrictions as material. Their lordships would not have any information upon his authority, but he was only anxious that no inference might be drawn from what he said as to the materiality of the duration of the restrictions.

The question was then put, that the word "February" stand part of the clause, which was agreed to without a division.

The following Clauses, up to the Clause respecting his Majesty's Household, were agreed to without observation or amendment.

On the reading of the Clause respecting the Household,

The Marquis of *Lansdowne* rose. He said he could by no means bring himself to agree to this Clause, which was so totally different from any provision on the subject of the Household, which their lordships could have contemplated as likely to be introduced into this Bill. He entertained no doubt, that their lordships, so far from concurring in this clause, would peremptorily reject it, no less from a regard to the consistency of their proceedings than to the honour of their House. The clause was directly at variance with the Resolution which had been previously sanctioned by the approbation of both Houses. He might confidently call upon any one of the noble lords who concurred in that Resolution, to say whether he had, at the time, the slightest idea that it would have been followed up by a Clause so totally different from it in every respect, in which they could scarcely recognize the slightest trace of the Resolution on which it professed to be founded. Could it have been believed that a Resolution, the object of which was to retain about his Majesty in his affliction all that part of his Household which was necessary for his comfort and personal dignity, and to transfer to the Regent all those offices of State which were attached to the dignity of the Crown, would have been followed up by a Clause separating from the dignity of the Crown all those Offices of State, and erecting by means of this separation a new power hitherto unknown to the constitution. Yet this had taken place in the Bill now before them, as sent up from the Commons, in which the Resolution was completely departed from: for, while the outward form of that Resolution was retained, under the cloak of adherence to its letter, a provision the very reverse of it was attempted to be carried into effect, Of this clause indeed it might truly be said that "the hand was the hand of Esau, but the voice was the voice of Jacob;" one object was pretended, but another was endeavoured to be accomplished. What was the mode proposed by this Bill of carrying the original Resolution into effect? Why, it was by attaching only a small and insignificant portion of the Household to the person of the Regent, while the whole mass of offices that were connected with the dignity and splendour of the government was to be detached and separated from the office of the executive magistrate. Though ministers had been defeated on the principle, yet their lordships would perceive by this clause, that they had sought refuge in the obscurity of detail, and endeavoured to accomplish all their objects in the enumeration of particulars. This stratagem it was the duty of their lordships to frustrate, and in order to enable them to do that, it was his intention to propose an Amendment to the Clause. He could not expect that what he was about to propose would meet with the unanimous concurrence of their lordships, but he did not believe it possible that they could agree to the measure as sent up from the Commons. By what inconsistency were they called upon to separate from the Regent those offices of state which constituted a part of the dignity of the crown, and attach them to his Majesty, although the heads of these departments could not, in his Majesty's present affliction, have the slightest communication with him? He would call upon their lordships to look at the office of Master of the Horse. Could the assigning of that officer to the Queen by any possibility become useful to his Majesty, or add to his comfort in his melancholy situation? Let them look also at the high office of Lord Chamberlain, and see whether a similar observation was not applicable to it. But it was said, that the subordinate offices under the Lord Chamberlain were necessary to the comfort of his Majesty; and as the head of the department was not, the conclusion drawn from this was, that the office of Lord Chamberlain could be dispensed with for a whole twelve-month. Nothing could be more unconstitutional than such doctrine. These great offices of state, whatever might be their original destination, were not now of any personal utility to the King; and their great object at all times was to add a becoming splendour to the throne, such as might inspire respect, and was befitting the government of a great nation. On this clear principle, they ought never to be detached from the executive magistrate. As the clause was now worded, their lordships would find, that even in the event of a new reign taking place within the time to which the duration of the Bill was limited, there was no possibility of filling up any of these offices as they became vacant. He admitted that there might be some difficulty in making an arrangement which should give from the Household the requisite state to the Regent, and preserve the means of comfort and personal dignity to his Majesty; but after the difficulties they had encountered and got over—after taking upon themselves to exercise the royal authority, and after giving a new law to the Treasury and the Exchequer; they surely would not find the requisite arrangement of the Household an insuperable difficulty. Far was it from his wish that the personal dignity of his Majesty in his affliction, still less his comfort, should be in the slightest degree abridged. No man was more forward to admit that Majesty, even in its eclipse, should be Majesty still; and that the sanctuary of retirement, where the King sought a temporary refuge, should be surrounded by ministering officers, not only distinguished by the situations which they held, but by the dignity and importance of their personal character. Let every provision be made for the comfort and personal dignity of his Majesty, that he who had been great in prosperity might be great in misfortune; but let not those offices which could administer to neither the comfort nor personal dignity of his Majesty, in his present affliction, be separated from the dignity of the Crown, and refused to the state which ought to accompany the Regent. No office should be withheld, which could in the smallest degree tend to the convenience and personal accommodation of his Majesty. But it would be most obvious to their lordships that this principle would not apply to such officers as the Lord Chamberlain and the Master of the Horse, who were not in the habit of approaching his Majesty in the domestic circle, but whose services were reserved for purposes of state. Such officers as these enjoyed the least of personal intercourse with his Majesty, at least in their official capacity; and yet by a strange contradiction, it was proposed to transfer those officers who had the most opportunities of such personal intercourse with his Majesty to the Prince of Wales, while those were to be withheld which were necessary to the splendour and the decoration of the executive government. But a still farther inconsistency was apparent in the present measure; for although they were told that the office of Lord Chamberlain was necessary, amongst others, to be retained about his Majesty, yet for one whole year, under the present clause, there was to be no Lord Chamberlain. What he wished then to propose was, that the Bill should not be delayed by making an arrangement now relative to the Household, but that such arrangement should be deferred till the Regency shall have been constituted. It might be objected to this, that additional influence would then be acquired by the Regent; but to obviate this he would propose, that no officer of the Household should in the mean time be removed, and that no vacancy occurring in that time in the Household should be filled up. This would obviate all objection to any influence, either of the Queen or the Regent. Parliament would thus be afforded an opportunity for mature deliberation—their lordships would have sufficient time to consider what officers could with propriety be detached from his Majesty, and what should remain—what portion of the Household was necessary to the personal comfort and convenience of the King, what to the splendour and dignity of the Crown. His lordship concluded by moving, that after the words vesting the care of his Majesty's person in the Queen, "together with the sole direction of such portion of his Majesty's Household as shall be deemed requisite and suitable for the due attendance on his Majesty's sacred person, and the maintenance of his royal dignity," should be inserted, "and as shall be specified in an act of parliament to be hereafter passed, and that until the passing of such act, no officer of his Majesty's Household shall be removed, and that if any vacancy shall happen in any office in his Majesty's Household, it shall not, during such time, be filled up."

The Earl of *Liverpool* declared, that it was his wish, and that of those with whom he acted, that the Bill should be introduced with only a few specific limitations; but that with regard to the point which respected the royal Household, it was better to leave the matter open to the discussion and final settlement of parliament. He most strenuously denied that the clause in the Bill was inconsistent with the Resolution agreed to by both Houses. That Resolution was obviously indefinite, and in framing the Bill it was naturally left to parliament to adapt the precise provision to what they might think proper to consider the correct construction of the Resolution on which it was to be founded. With this view it was that the blanks had been left to be filled; and as a proof that the Resolution was indefinite, he had only to refer their lordships to what was rumoured to have taken place elsewhere. When this clause was under consideration in that other place no less than four or five different plans were proposed, all differing from each other; and thus shewing that no clear idea was entertained of the object proposed to be attained by the Resolution. The noble marquis had dexterously avoided this difficulty by proposing to postpone the consideration of the subject; he had called upon their lordships to defer the decision of any thing precise at present on the subject of the Household; to leave the door open for another bill; and to adjourn the consideration of a question, which so materially affected the Regency about to be established, to a future period. He trusted, however, that this determination would not be adopted. He could have wished, indeed, that as the Bill was to expire in a twelvemonth, the principle of 1789 had been followed as to the Household, and that it had been left entirely to the disposal of her Majesty during the continuance of the Act, which was only for a limited time. But to this plan two objections had been started; first, that it went to strip the Regent of his dignity and of his influence; and 2ndly, that it vested that influence in some other quarter where it might be turned against his administration. These considerations appeared to have influenced the other House of Parliament; and here he must say, that the present was a question to be tried and decided on public principles alone, and not with a view to the personages themselves who were more immediately involved in it. It was the duty of the legislature to look at them, as attended with the ordinary infirmities of human nature, and to form the provisions of the Bill accordingly. He was happy to find that noble lords on the other side had not imputed to the Queen any wish or intention to convert the offices proposed to be placed under her controul to the purposes of improper influence; and he trusted, that those on his side of the House would not, for having supported the restrictions, be charged with shewing any disrespect to the Prince of Wales. He wished to argue the question as applicable to a Queen or a Prince of Wales generally, without reference to the individuals. It had been asserted by the noble marquis, that the great officers of the Household to be placed by this clause under the direction of her Majesty, being merely officers of state and parade, were altogether unnecessary to the personal comfort and convenience of the King. Upon this point then they were at issue. He (lord Liverpool) and all those who thought with him considered them as essentially necesssary; because they were so mixed up with all the details of the household economy of his Majesty, that they could not be separated with propriety from his person. They formed part of one great system, wisely established for the dignity and splendour of the throne, and could not be separated without undertaking that which it was neither proper nor decorous to adopt. The great difference between the present measure and that of 1789, was, that the restrictions were now to be limited in point of duration, whereas formerly no limit was specified; and yet it was even then understood, that the whole Bill was to expire when there was reason to fear a disappointment in the hopes of his Majesty's recovery. At present there was every reason to believe that the King's indisposition would be but temporary: accordingly Parliament proceeded upon that principle, and all the stipulations contained in the Bill were only with a view to meet a temporary difficulty. Let these considerations be applied to the Household. Surely the last thing that their lordships would wish to touch or to alter was the Household of his Majesty, while flattering hopes were entertained of his speedy convalescence. He would appeal to their lordships' feelings, to those which must naturally arise in their own minds in regard to their own domestic economy, whether such alterations would not carry with them a degree of objection and indelicacy that was applicable to no other part of the Bill. But it might be asked, was not the communication to his Majesty of disaster and defeat attending our arms; of the loss of ships or islands; much more likely to affect the royal mind than changes and alterations in his domestic establishment? It was not fair, he contended, to argue from this feeling that his Majesty would not be affected by any important changes in the situation of this country or in Europe, but would feel severely any change in his domestic establishment. He put it to any of their lordships, whether if they were in that afflicting situation, they would not, on recovery, feel more deeply the dismissal of old and faithful attendants, or a change in their family concerns, than external events, although of much greater importance? If such was the case with individuals in general, the principle applied still more strongly to a King. A King was separated, in a great degree, by his situation, from an intercourse with society, and therefore was the more strongly attached to his family and domestic concerns. He put it therefore to their lordships, whether they would interfere with his Majesty's domestic comfort, by disturbing the arrangement of his Household during the short period for which any arrangement was at present considered necessary. The great officers of the Household were so interwoven with the details of the Household, that it would be a most complicated arrangement to separate them; if from the circumstance of his Majesty's indisposition it was absolutely necessary to make such an arrangement, they must of course meet the difficulties of it, but in the present case no such necessity existed. He trusted, therefore, their lordships would not think it advisable to alter the course prescribed by the Bill, particularly as by rendering the officers of the Household irremovable by the Queen, all objection upon the ground of influence had been done away.

Earl *Grey* rose to support the Amendment of his noble friend, and wished to take that opportunity of stating to their lordships the grounds upon which he was induced to vote for that Amendment. He besought noble lords to look at the principles laid down in their own Resolutions; and then to determine whether in consistency or honour they could sanction the clause then under consideration. Upon the most cursory comparison of this clause with their Resolutions, they would find that it not only amounted to a dereliction of the principles there laid down, but directly involved nothing less than a breach of faith with their lordships' House of Parliament. The result of the whole was, that the noble lords, opposite, sought all possible means of rendering the Resolutions of the two Houses of no effect. The noble earl, who had just sat down, in particular, had said every thing that could be urged in evasion of those Resolutions, and his speech resolved itself simply into this, that the expressed voice of parliament differed from the will and sentiments of ministers, and their lordships consequently were to determine to which they should adhere as the rule of their conduct, and the principle of their deliberations. The question before them was no other than this, that having induced his royal highness the Prince of Wales to assume the awful and weighty trust of the government of this country on certain specific conditions, that House was prepared to abandon those conditions, and to fly from the contract which they had entered into with the illustrious person to whom he had referred, and after substituting new terms at their pleasure, to call upon him for a rigid performance of his duties and his obligations. He must say that the noble lords opposite had done all that any men could do, to bring parliament into this situation. There were other points undoubtedly, and indeed the whole system of restrictions, to which he felt numerous and insuperable objections; but his absence at the period when they were discussed, would operate to make him refer to them with caution. Yet with the opportunities which he had met with of acquiring information relative to their lordships' proceedings, opportunities which it was not necessary then to describe; he was satisfactorily apprised that when the House, after a protracted debate, voted that a portion only of the Household; such portion as was essential to the personal comfort of the sovereign, and the maintenance of his royal dignity; should be vested in those hands to which the custody of his Majesty, as was admitted on all sides, ought to be, and was entrusted; the understanding on which that declaration was made, ill corresponded with the principle on which the clause, as it then stood, and as it passed the other House of Parliament, was founded. Could their lordships really have meant by the words, "such a portion of the Household as was necessary for the dignity and comfort of the King, &c." that the whole of it should be given, with only a very small exception? Was it meant that offices conferring great political power, and enjoying great political influence, should be withdrawn from the Regent, and consigned to the direction of the Queen? Did their lordships understand, by their Resolution, that the whole of the Household was to be taken from the Prince, with the exception of two offices that were comparatively paltry and insignificant? Was it in the sense now given of them, that the Resolutions were accepted by his royal highness, under the faith and understanding that the terms were to be scrupulously executed? The clause was a complete departure from the terms accepted, and a scandalous breach of faith with his royal highness. Was it, he would ask, the fair interpretation of their lordships' Resolution, that, supposing the Household to be divided into forty-nine parts, (and that was about the number of the offices), forty-seven of these were to be given to the Queen, and only two to the Regent? Why this was little else than adding mockery to insult. Was this the candour and good faith that parliament was to shew to the head of the government?

This was a proceeding so inconsistent with every feeling of honour, and so contrary to every principle of good faith, that he was sure it would not meet with the sanction of their lordships. How, he would ask, would such a proceeding in private life be spoken of? How, he should venture to put it to the noble Lord on the Woolsack, would he, in his judicial capacity, dispose of a question of this nature if it should chance to come before him in the court where he presided? What, in the administration of equity, would be his decision in such a case? That noble and learned lord, he believed, was actuated by conscientious feelings; the frequency of his appeal to those feelings was evidence of their sincerity, and he besought him therefore to indulge the same honourable sentiment in the discharge of his political as he was proverbially accustomed to do in his legal and judicial functions.

It had been said, but he conceived, with very little colour of reason, that he, as one of those who had formerly been of opinion that the influence of the crown might be diminished without disadvantage, was now inconsistent in opposing an abridgement of it in the person of the Regent. He denied the truth of this observation; if the power and influence of the crown was exorbitant, if they did exceed those limits which the constitution dictated and the liberties of the people required, they should be diminished upon a full exposition of their danger, and upon the application of general principles. He could not see or recognize the propriety of curtailing them to serve a partial or a temporary purpose. (Hear! hear!) There was no inconsistency in what he was now saying, and the principles he had formerly stated. He had heard, indeed, that those very persons who had on former occasions argued that the power and influence of the crown were not too great, had so far deviated from their principles as to maintain on this occasion the necessity of that power being diminished, and not only diminished but divided. This was an inconsistency which he would leave to those persons to defend: but whatever might be the degree of power vested in the crown, it could not, and ought not, to be taken from that branch of the government, and put into other hands, without manifest inconvenience. It was triumphantly asked, whether the patronage of the navy, of the army, and the church, and the long range of offices in the civil department, was not a sufficient stock of influence for carrying on the government? He hoped it might prove so; but with all this extent of patronage, something might still be wanting. It was necessary that the person in whom the executive government was vested should have the power of directing all these sources of influence for the people's good.

He could not perceive the necessity, for that was the ground taken by the proposers of the measure, of restricting the powers of the executive government, at a moment of unparalleled difficulty and danger. Could it be seriously argued that the time when the perils that menaced the country were daily increasing, and when the very crisis of our fate, as a nation, appeared to be but too rapidly approaching, was a time at which the head of the government ought to be fettered and restrained, the energies of his high office crippled and paralysed? He was willing to acknowledge the candour of the noble earl (Liverpool), in admitting, that on the part of his noble friends no expression of reserve or distrust had been uttered in reference to her Majesty, and assured the noble Earl, that he was anxious to maintain the same spirit of fairness and liberality, and to discuss the questions at issue solely upon general principles.

Having said thus much on the partition of the Household as it affected the power of the Regent, he would say a few words as to that part of it which was intended to be vested in her Majesty. His great objection to this part of the arrangement was, that the influence of the portion of the Household which was thus nominally vested in her Majesty might be employed to obstruct the government of the Regent. Viewing the arrangement in this light, the original mode in which it was intended to dispose of the Household, seemed to him less objectionable than that contained in the present clause. The arrangement of 1789 was much less objectionable on constitutional grounds than what was now proposed. Let noble lords well consider the clause as it was sent up to them, before they agreed to it. It provided that her Majesty should have the care of the King's person, and it gave her all the Household, with the exception of certain offices, the nomination and controul of which it was proposed to vest in the Regent. But what were the conditions upon which this power over the Household, if power it could be called, was given to the Queen? Why, that the Lord Chamberlain, if there were one, the Master of the Horse, the Steward of the Household, the Groom of the Stole, and others, should hold their places, independent not only of the Regent, but of her Majesty. The Queen could not remove one of the heads of those important departments: nay, according to the wording of the clause, not even one of the subordinate officers. Her Majesty could not remove even a page in case of misconduct; nor could she resist the appointment of one of the inferior officers of either of the great departments, however disagreeable it might be to her. What kind of controul was this? But that was not all. This part of the Bill not only made these persons permanent in their offices and irremovable in case of misconduct, but it abolished, *pro tempore*, one of the most important departments of the Household. The office of Lord Chamberlain was now actually vacant. One would naturally suppose that it was meant to be filled up. No such thing. What was to be done with it then? Was the influence of this great office to remain in abeyance during his Majesty's indisposition? No. The entire patronage of it was to be transferred to the Vice Chamberlain, who was to hold it independent of the Queen, and independent of Parliament. The two Houses, in the spirit of the deviations from the strict practice of the constitution which they acted upon in the present emergency, seemed to have taken upon themselves another function of royalty. They had departed from their own doctrine of necessity, and gone beyond the principle upon which they originally professed to act. They had at first, after mature and solemn deliberation, established a great principle, and, in this instance, they were called upon (not expressly) to depart from it; but virtually to annul all, that they had previously sanctioned. He should entreat noble lords, therefore, to consider, how they were bound by their own Resolutions in making a detailed provision for the future government of the Regent. It was to a true and just construction of the import of the Resolution—to a recollection of their lordships' intentions in voting that Resolution, that he wished to invite the attention of the House. Did they in effect mean originally, on voting the Resolution, to allot to the Prince no other officers of the Household than the Captain of the Band of Gentlemen Pensioners, and the Captain of the Yeomen of the Guard? Was this the meaning of the vote which gave him all the Household, with the exception of such portion as was required for the personal wants and comforts of his Majesty? He believed that he felt as warmly for the happiness of his Sovereign —as much interested for his recovery from his afflicting malady, as any noble lord who heard him. It was his opinion, to use the language of his noble friend (the marquis of Lansdowne) that his Majesty in eclipse should still be Majesty, and ought to be still surrounded with the ensigns and dignities of his station.

But while he entertained these sentiments, and was proud and anxious to avow them, there was another light in which the subject in his mind was to be viewed, and to which it was impossible too earnestly to direct their attention. They had gone up to the Prince of Wales, carrying the declared wishes of that House, that his royal highness would consent to administer the government with certain powers, and under particular restrictions. Suppose the case, and he put it directly to the noble and learned lord, who had high judicial duties to perform in another place, of a person deceased, by whose will a portion of the estate was directed to be applied to the support of the aged widow, while the remainder was to devolve to the eldest son, for the general purposes of maintaining himself and the members of the family in the rank and station to which they belonged. Would the noble and learned lord interpret the intention of the testator to be that forty seven shares, (for that was the proportion of the Household to be given to the Queen) should belong to the widow and two to the heir apparent? (Hear! hear!) This was the precise allotment which ministers required them to make in the case of the Regent. (Hear! hear!) He wished the House to pause and consider well what he now stated to them. There was much in the Household that appertained to the personal convenience of the monarch; much that related to the splendour of his throne; and much in the nature of political influence designed to facilitate the execution of the duties of the executive. Was it a proper or a constitutional proceeding to strip the Regency of that political influence which had always been deemed necessary to the support and exercise of the government? Above all, he would caution them to avoid a breach of faith with his royal highness, who so fully merited all the consideration and respect, which were at all times due to the illustrious person to whom their future allegiance would be given.

But upon a question of this moment and vital importance, he felt it unnecessary, indeed improper, to go into any considerations of a personal nature. He felt it not only extremely desirable, but highly convenient that the question should be discussed on the old constitutional principles of a jealousy of ministerial ambition, and a lively vigilance of ministerial projects. When he looked attentively to the measure proposed in the clause before the committee, he was not disposed to complain so much of the power and patronage which it went to confer on her Majesty, as on the power and influence which it placed in the hands of ministers.

When the Resolution respecting the Household was first brought forward, it was understood that her Majesty should retain such parts of it only as were necessary for the comfort of the King; and that all which properly appertained to the state and splendour of the government should be given to the Regent. Was this the case? Was the clause now under consideration in the spirit of the original Resolution? In fact even her Majesty had only a nominal controul over the Household; the real influence was in the persons who originally appointed to the various offices under it the clauses secured to those officers, a body owing their appointments to the present ministers, their places for a certain period, and consequently would feel themselves bound to act with them, whether the latter were in or out of office. The clause, as it now stood, was infinitely worse than in its original shape, for it gave the patronage of the Household from the Queen to Ministers: It placed under their influence, or that of their political adherents, places to the amount of 400,000*l.* a year. Upon these grounds he would not believe, until he should see it, that this clause could meet with the approbation of their lordships. When he remembered too what had lately appeared in evidence, and recalled to his memory those past transactions in which the royal will and personal assent had been dispensed with, he was equally impressed with the necessity of watching the conduct of ministers, and to make some further provision to guard against the recurrence of a similar violation of the constitution. Recollecting among all the infringements which had recently been multiplied, that most alarming innovation and inroad upon the interests of the monarchy, he could not but feel it his duty as a peer of parliament to give his most decided opposition to a scheme for weakening the Government, and deducting from the executive office the influence that was essential to its maintenance and support. The three great offices of Master of the Horse, of Steward of the Household, and of Lord Chamberlain, were to be taken from the Regent and placed under the Queen. It was, however, only nominally that they were to be so placed; her Majesty was not to have the power of removal, and this it was, which, in the judgment of Ministers was sufficient to remove every objection to their arrangement. In his own opinion, this served to aggravate those objections, and he should consider it more desirable that the Queen should have the whole of the Household with an effective controul over it, than that it should be left under no authority whatever. It was well known that there had long been an excess of expenditure in the civil list, and if the chief officers of the Household were exempted from all inspection and controul, one of the consequences would be, that the subordinate officers might remain with just and unsatisfied claims. Under all these considerations, and with the feelings which he had described, he called upon the committee to pause before they lent their sanction to a measure so pregnant with evils of such extent, and of such a various description.

With respect to that part of the Bill which provided for the resumption of the royal authority upon his Majesty's recovery, he would say that no one, not even any of the noble lords on the other side of the House, would more sincerely rejoice at the arrival of that period than himself: but before he could approve of that resumption, he must be convinced that the recovery was full and perfect; he must have other authority for that important fact than the mere putting of the Great Seal to a commission in his Majesty's name. He could not receive such a document as a decisive proof of his Majesty's recovery, when he considered what had taken place on two former occasions, when it was notorious that the Great Seal had been employed, as if by his Majesty's command, at a time that he was under the care and actual restraint of a physician for a malady similar to that by which he was now afflicted. The noble and learned lord must excuse him then when he said, he must have better authority than his declaration for his Majesty's recovery. That important fact required to be substantiated in the most solemn manner; and nothing short of an examination of the physicians by their lordships could afford that proof of it which would satisfy his mind. He would vote for the Amendment proposed by his noble friend.

The *Lord Chancellor*, rising much agitated, declared, that the allusions of the noble earl, who had just sat down, were so marked, that he could not suppress the feelings which they had excited, or stifle the emotions which they had produced in his mind; the Committee would, therefore, he trusted, excuse him for trespassing upon their attention, as he found it impossible to suffer the observations with which the noble earl concluded his speech to pass, without taking the earliest opportunity of replying to them. If he had referred on any occasion to his own conscientious feelings, it was because, from the outset of his public life to the present hour, he had endeavoured to regulate his conduct by the impartial suggestions of his conscience. Confident in the probity of his own heart, and assured of the integrity with which he had laboured to perform the duties of his office, both to the Sovereign and to the public, he would, in answer to what had fallen from the noble earl, now repeat what he had said upon a former consideration of the subject before them; that he not only would not decline, but that he challenged the strictest enquiry into his conduct. The noble earl might well have spared the observations that had fallen from him. He would not scruple to declare to their lordships that no fears, no influence of any kind should deter him from doing over again what he had already done, if he conceived that it was necessary to the interests of the King his master, or to those of the country at large. When he mentioned his Majesty, he never could speak of him without gratitude for the favours and the obligations he had heaped upon him; he never could think of his unhappy malady without the acutest sensibility. Neither the reports of the physicians, nor threats in or out of doors, should operate to prevent his exercising his own judgment in whatever regarded his royal master's interests. He would rather perish ignominiously on the scaffold, than desert his allegiance to his sovereign, by declining to take any steps which his duty and his office pointed out to him. He would act in every possible case upon his official responsibility, and be content to leave the consequences to God. In what he had done upon the occasion alluded to by the noble earl, he acted under the solemnity of an oath, which prescribed that he was to act conscientiously, and to the best of his judgment. He felt himself superior, therefore, to the uncalled-for imputation of the noble lord. Until his country should tell him he had done wrong, he should feel satisfied with himself for his conduct on that occasion. No man, he must insist, had a right to charge him with criminality. He had long served a gracious master most faithfully; he had done so in conjunction with some noble lords over the way, at the most critical moment, that this country ever experienced. It was at a time, when some of those noble lords were supporting him in the measure which he thought necessary for putting down those societies which aimed at the subversion of the government; and which measures other noble lords, who were now sitting side by side with them, were obstructing by every means in their power, and decrying and ridiculing under the name of the "gagging bills." Strong as those measures were, they could not by their sole unassisted operation have effectually counteracted the pernicious and unconstitutional proceedings of those clubs and societies—from his conscience he believed that nothing could have saved the country at that momentous period, but the value of the personal character, and the almost universal love and reverence of the people for the individual who filled the throne.

With respect to the transactions of 1802 and 1804, he would again say, that he challenged the strictest enquiry into them. The opinions of physicians, though generally entitled to great attention, were not absolutely to bind him. He was bound to act upon his oath, and to the best of his judgment. He had always done so, and he was ready to abide the consequences whatever they might be. No inquiry, that could be instituted into his official conduct, would have any terrors for him; strong in the approbation of his own conscience, he was prepared to meet the strictest scrutiny which it was in the power of their lordships to make. Charges or menaces were alike indifferent to him. Let the shock come he was ready boldly to encounter it—

"*Impavidum ferient*—"

As to the daily scandal that was poured out against him, he would not condescend to reply to it. He would not ask the noble earl to trust to him. He would discharge his duty to his Sovereign conscientiously and, satisfied that he had done so, he should feel indifferent as to what might be said of him. He had been attacked and reviled, but this he disregarded; actions which he had never performed had been imputed to him; and others had been swelled and distorted by calumny and misrepresentation. In the newspapers he might to-morrow read, as he had often before read, sentiments and expressions attributed to him, of which he was perfectly unconscious, and of which he had never heard till he saw them recorded in those newspapers. He assured their lordships that to all this he was insensible, and viewed it without any sentiment of pain. To the statements of those diurnal publications he never referred, without discovering errors and misrepresentations; but still the consciousness of rectitude and integrity was sufficient to sustain him against any consequences that might affect him from any quarter.

It had been significantly put to him, with reference to the state of his Majesty's health, whether he would supersede a commission of lunacy against the opinion of physicians. He had often done so, and perhaps he might have been wrong in so doing; but he had acted upon his conscience, as he should always do in such cases. With respect to the clause of the Bill now under consideration, he would say, using an expression he had employed in a former debate, and which he took from one well skilled in the science of human nature, he did not know how to disquantity the train of the King. He was asked what he would do in the Court of Chancery, if the present clause, and the Resolution upon which it was founded, came before him? He would answer, that the Resolution was uncertain, and that the court would have nothing to do with it. Now, however, he would ask a question in his turn, and it was this: Were there any two of the noble lords on the other side of the House, who were agreed as to what should be done upon the original Resolution? He had heard of several plans, four or five at least, all of which were at variance. If he were asked for his plan, he would say, that it was his sincere opinion that the whole of the Household ought to be given to her Majesty. He then spoke with the same tender regard to conscience that he would if he were acting in a judicial capacity. He would tell that House, he would tell every man who heard him, he would tell all his Majesty's subjects, that the last thing he would do in the court in which he sat would be to remove from any man labouring under an affliction, such as had unhappily fallen upon his Majesty, those comforts becoming his condition, and to which he had been accustomed. For myself, said the noble lord, with great fervour and feeling, let me but see my Sovereign well, and then let me depart in peace. He could not on this afflicting occasion take his heart out of his breast, and forget that his most gracious master was a man. Let those who could do so, do it. He was not made of such impenetrable stuff: he had neither the nerve nor the apathy requisite for such an act of stern and unrelenting duty. Until his Majesty should vacate his throne by descending into the grave, to no other person should he acknowledge himself to be a subject.

Before he sat down, he must make his solemn protest against the principle upon which the proposed distribution of the patronage of the King's Household was argued. The principle was, that the government of the country could not be carried on, except upon a supposition the most unconstitutional, the most degrading, and he would even say, the most jacobinical that was ever surmised by the most inveterate enemies of the constitution. What! were their Lordships to be told that no Master of the Horse, no Groom of the Stole, no Lord Steward of the Household, had the least consideration for the country; but that his vote in that House would be controuled and directed by those to whom they severally owed their respective appointments? If this be the case, said his lordship, I have got at the end of my life into such company as I was never placed in at the beginning of it. Was he to act upon the supposition, that the noble persons he saw around him paid no attention to the interests of their country? If so, he believed he must abstract himself from all of them, and act for himself. But he could not believe that the noble persons about him, the descendants of those whose virtues and talents adorned the history of this great country, could be influenced by the vile motives which were ascribed to them.

As to the Amendment proposed by the noble baron, he entirely disapproved of it. So much so, indeed, that if every one of their Lordships were to go below the bar to vote for it, he would feel it the proudest day of his life to stand alone, and record his loyalty to his Sovereign by voting against it. He would put it to their Lordships as men, whether they could consent to an arrangement so humiliating to the Sovereign as that which would result from the Amendment proposed? As to restriction it should be recollected, that the King of this country was a limited monarch; and there could be no great objection that the Prince, who was to succeed him in time, should be limited in his powers. The King, whatever his mental state might be, must be King until he descends into the grave. He could never discharge it from his recollection, that the Committee had two objects to accomplish —they had to provide both for the stability and security of the government, and for the safe and effectual resumption of the royal functions on the part of his Majesty, whenever his recovery should be fully ascertained. The noble earl (Grey) had enlarged on the importance of the former, and in this respect he coincided with him, but he must contend, that in securing his Majesty's restoration to his government, they were providing in the most effectual manner for the true interests and the ultimate security of the government. Their Lordships, therefore, instead of diminishing the splendour that surrounds his Majesty, should preserve it in all its plenitude. He remembered, and with a satisfaction which would only terminate with his life, the part he had taken in the discussions of 1789. He would now act upon the same principles. His conduct upon that occasion had obtained him the approbation of his gracious Master, as he trusted his conduct at the present crisis also would. He had no reason to change the opinion which he had given in a former debate respecting his Sovereign's recovery. Far from it: for, in addition to what he then said, he had now the satisfaction of stating to the House, that the prospect of his Majesty's recovery was greatly increased by the view which was taken of his case, and the actual state in which he was. The noble and learned lord declared, that he was not ambitious of continuing in place, but that he was incapable of entertaining any interested views at such a period as the present; and concluded a speech, which was delivered throughout with peculiar solemnity of manner, by repeating his regard and veneration for his Majesty, and his intention to oppose the Amendment.

The Earl of *Clancarty* said, that if the House came to a division on the noble marquis's proposition, he would give his vote for the omission of the clause; but he should also feel it his duty to vote against the Amendment which the noble marquis had notified his intention of moving, if his first proposition were acceded to; and should also think it necessary to propose an Amendment himself in lieu thereof.

Lord *Grenville* said, that he should consider the question then before their lordships not so much in reference to the proposed Amendment, as to the immediate consideration whether the words now in the clause shall or shall not stand part of that clause. With respect to that part of the question he felt no difficulty, and as to the perplexity complained of by the noble lord, he thought the course to be pursued by the noble lord, in either case, to be according to his own shewing sufficiently obvious. If the noble lord was of opinion that these words ought to stand part of the clause, he in that case would vote against the amendment; and on the question that these words remain, he would of course say Content; but if he thought as he understood the noble lord to think, that those words ought not to remain, he, on the question being put that these words stand part of the clause, will say, Not-content. With respect to the allusion made by the noble and learned lord on the Woolsack, to the part taken by him (Lord Grenville) at the period of 1788, he could assure that noble lord, that that moment had not yet arrived, and he believed never would arrive, in which he should, in the slightest degree, regret the part taken by him on that memorable occasion. The sentiments he then had entertained on the subject of the household governed him still. He then said what he now repeated, that they should surround the sick bed of Majesty with dignity; every possible provision should be made to secure to the royal person every comfort and convenience. The feelings which had in this respect operated upon his judgment at that period, he should be sorry that twenty-two years could have blunted; but when he formerly voted for vesting the Household in the Queen, he did it on the principle that her Majesty should be amply provided with the means of enforcing and upholding the authority to be vested in her—but there was one essential point of difference between the Bill then brought into parliament, and that now before their lordships—that in the former, such means were provided for the Queen; but in the present, all such means were withheld from her. If a lord of the bed-chamber failed in the due discharge of his duty—should he even be guilty of negligence or indignity towards his Majesty, the Queen would have no power either of removing him, or supplying his place. He found the same restrictions extended to the exercise of her power, whether applied to the first lord of the Household, or to the lowest menial attendant on his Majesty—so much then for the pathetic appeals with which their lordships had been so vehemently assailed upon the plausible ground of consulting the personal convenience of his Majesty.

There were, however, other considerations, and amongst them, that was not least important which respected the Addresses sent by both Houses to the Prince of Wales, and to the Queen. Those noble lords who thought that the subsequent arrangements provided for by the Bill, with respect to the Household, did amount to a breach of faith with either the Prince or the Queen, could not be expected to vote in support of those arrangements, and as for those who had supported the measure of 1788, they could not therefore be called upon to support the Bill now before the House, especially in those points in which it was not only dissimilar to the former, but repugnant and contradictory to it; the regulations provided in each, respecting the civil list, were materially and essentially different. In the Bill of 1788, a clause was inserted, expressly providing that the quarterly expenditure during the King's illness, should not exceed the amount of the expence of the former quarters previous to the illness of his Majesty, but in the present Bill he was not aware of any adequate provision for due responsibility in the expenditure of this part of the public money. He should say no more at present upon the Bill itself, but content himself with stating it as his opinion, that the clause now before their lordships, was so inconsistent with their former Resolutions upon which they had grounded their Address to the Queen, and to the Prince, that he should feel it to be his duty to vote that the clause shall not stand part of the Bill.

The *Lord Chancellor* begged leave to be distinctly understood as not absolutely approving of the present clause. He did not approve of taking any part of the Household from the Queen. He would have left the whole of the Household with her Majesty.

The Marquis of *Lansdowne* here rose, and expressed a hope, from what had just fallen from the noble and learned lord, that he would vote for the Amendment.

The *Lord Chancellor* replied, that though he did not altogether approve of the original clause, it did not follow that he might not more strongly disapprove of what was proposed by the noble marquis to be substituted in its place.

The Marquis of *Lansdowne* said, that he understood the learned lord to disapprove of the clause, and therefore concluded that he would vote that said clause should not stand part of that Bill.

The *Lord Chancellor* said that the noble lord had again misunderstood him. He had thought in the first instance that the Household should be left with the Queen, parliament had told him he was wrong in that opinion; and he now was for leaving with her Majesty as much of the Household as the House would agree to leave her, since they would not leave the whole of it to her Majesty's controul.

The Earl of *Clancarty* said, that as there were noble lords who disapproved both of the Clause and the Amendment, they might vote against the Clause, provided the possession of the House was not pre-occupied by an Amendment.

Lord *Redesdale* suggested, that that object might be in some measure answered, if the words proposed to stand part of the clause should be put in the following form, that those words be here inserted. This motion, if rejected, would afterwards leave the clause open to be corrected by the House.

Earl *Stanhope* said, that from the high opinion which he entertained of a noble lord (Grenville) who opposed the Amendment, and his wish, that he should always think in the same manner as his lordship, and that his lordship should think in the same manner with himself, he was very sorry that he should be deprived of his vote this evening; but he hoped that when the numbers came to be reckoned they would be able to do without him.

Lord *Sidmouth* said, that all the arguments which he had heard that night in favour of the Amendment, resolved into the deviation of the Bill from the Resolutions. He wanted to know what was intended to be conveyed to the understanding of the House, when that Resolution was adopted. The noble lords who persisted in maintaining this deviation could not agree in the sense to be given to the Resolution. The meaning which the noble earl (Grey) attached to it, was different from that entertained by the noble marquis (Lansdowne). It was said that there had been a breach of faith with this and with the other House. There had been no such breach of faith. It was impossible to say that a Resolution had not been adhered to, which was not specific, and which admitted of the utmost latitude of interpretation. He wished that the proceedings of 1788 had been closely followed. Indeed all the inconveniencies which had arisen in the progress of the present measure, had their origin in the departure from the precedent of 1788. He thought that any division of the Household was improper. He was willing that all necessary and becoming splendour should be given to the Regent; but when he wished this, he could not give his consent to strip the King of his dignity. He wished that the Regent should be armed with all the ordinary power of the government; but he did not wish that all power should be taken from that illustrious person to whom the care of the sovereign was entrusted. He agreed, however in the propriety of depriving the Queen of the power of removal, that every objection of a constitutional nature might be obviated. It had been stated by a noble baron, that if you take away the power of removal, you subject your sovereign to the chance of indecent treatment from persons whom you have no power over. He could not see the force of this objection. If any persons were so far to forget themselves as to behave irreverently or indecently in the presence of his Majesty, their attendance might be dispensed with, although a removal should not take place. It was impossible to conceive that any such persons would have the assurance to force their attendance on his Majesty contrary to the wishes of the person who had the direction of him. They were to recollect that the sovereign still existed in his political capacity; and if it was not right, therefore, to take away from him any power but such as was necessary for carrying on the government, so, in like manner, it was not right to take away any of the dignity due to the sovereign. The additional sum which might be found necessary for the splendour of the Regent, was so inconsiderable, that it could be no object to the nation; its amount would not equal the fourth part of the expence which had been laid out in improving their lordships' House—and would they hesitate to bestow this sum, and thus avoid the shame and disgrace of bereaving their sovereign of his proper splendour and dignity? He wished to follow the precedent of 1788 closely, and to avoid making the contrast between 1788 and 1811 disgraceful to the latter. What had twenty-two years done, to lower the sovereign in the eyes of the country? He entreated their lordships to spare their sovereign the possibility of feeling a disappointment at their proceedings on his recovery; and to avoid departure from a precedent which did immortal honour to the person who had the merit of it. He should therefore give his vote for the rejection of the noble marquis's Amendment.

The question being then loudly called for, the Committee divided on the motion, That the words of the original Clause should stand part of the Bill; when the numbers were—

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The Committee, after some discussion as to the manner of putting the motion, proceeded to divide on the Amendment moved by the marquis of Lansdowne, when the numbers were—

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When strangers were re-admitted, we found earl Grey animadverting on the Clause which provides for the appointment of a Council to assist the Queen. The noble earl considered it a most extravagant supposition to presume, as that Clause did presume, that persons would be appointed by the Regent, to fill the most dignified situations in the country, who could feel other interests, than those prescribed by their duties. The Clause itself contained a most insidious reflection. It seemed to assume, indeed it was admitted by the noble lords opposite, that the House should place every impediment in the way of those to whom the Regent might extend his confidence. If that was the principle, it was better at once to introduce a Clause disqualifying such persons from holding any place of trust under the government.

Lord *Stanhope* gave notice of his intention to move an Amendment on this Clause, when the Report should be brought up.

On the Clause being read, relative to the disposition of the Privy Purse,

Earl *Grey* observed, that as it was a fund intended for the purpose of protecting the arts, and giving encouragement to all those improvements which had conferred such honour and advantage on the country, it should be wholly under the illustrious person placed at the head of the executive government.

The Earl of *Liverpool* stated, that as it was a fund, as well for private beneficence as for public bounty, it should be strictly applied to those purposes to which it was presumed the Sovereign would himself apply it.

The Earl of *Moira* strongly reprobated the improper exposure of this fund: a fund applied to the purposes of beneficence, the great merit of which so frequently consisted in the secrecy with which such favours were dispensed. It was impossible that any thing more painful to the feelings of a revered Sovereign, could occur, than to know that his application of such a fund had undergone a parliamentary investigation. He could not conceive any thing more painful to the feelings of his illustrious heir, than to have its disposal offered to him. In that view he differed from his noble friend (earl Grey.) The Queen, from every consideration, was the person to whom its disposition should be transferred; of all others she was best fitted to be trusted with those amiable secrets, which such an examination must disclose. Satisfied he was that his royal highness the prince of Wales would never have consented to accept it.

The other Clauses were then read *pro forma*, after which the House adjourned until Monday.

List of the Majority on the Amendment of the Marquis of Lansdowne.

DUKES.
York
Clarence
Kent
Cumberland
Sussex
Cambridge
Gloucester
Norfolk
Somerset
Bedford
Devonshire

MARQUISSES.
Winchester
Lansdowne
Stafford
Townshend
Hertford
Headfort

EARLS.
Derby
Lindsey
Thanet
Essex
Albemarle
Coventry
Jersey
Cholmondeley
Tankerville
Bristol
Oxford
Cowper
Stanhope
Waldegrave
Fitzwilliam
Hardwicke
Ilchester
Spencer
Hillsborough
Clarendon
Abergavenny
Radnor
Grosvenor
Fortescue
St. Vincent
Rosslyn
Chichester
Nelson
Grey

VISCOUNTS.
Hereford
Maynard
Hampden
Lake
Bolingbroke

BARONS.
Audley
Say and Sele
De Clifford
Hastings
St. John
Spencer (of Wormleighton)
Clifton
Dutton
Boyle
King
Montford
Ponsonby
Holland
Stawell
Sundridge
Hawke
Ashburton
Grantley
Bulkeley
Somers
Boringdon
Heathfield
Braybrooke
Grenville
Thurlow
Ossory
Auckland
Mendip
Bradford
Dundas
Yarborough
Hood
Dawnay
Gwyder
Carrington
De Dunstanville
Carysfort
Seaforth
Butler
Berwick
Keith
Hutchinson
Ellenborough
Erskine
Ardrossan
Lauderdale
Granard
Ponsonby (Imo.)
Breadalbane
Charlemont
Kingston
Roden
Lucan
Conyngham
Donoughmore

BISHOPS.
Exeter
Rochester

List of the Minority.

DUKE.
Beaufort

MARQUISSES.
Salisbury
Bath
Abercorn
Cornwallis

EARLS.
Bridgewater
Northampton
Westmoreland
Winchelsea
Chesterfield
Sandwich
Rochefort
Abingdon
Dartmouth
Aylesford
Macclesfield
Pomfret
Graham
Effingham
Buckinghamshire
Bathurst
Harcourt
Camden
Mount Edgecombe
Digby
Mansfield
Liverpool
Wilton
Powis
Manvers
Lonsdale
Harrowby

VISCOUNTS.
Falmouth
Wentworth
Sidney
Sidmouth
Cathcart

BARONS.
Tynedale
Ashburnham
Haye
Boston
Brownlow
Rivers
Walsingham
Rodney
Eliot
Gordon
Montague
Tyrone
Kenyon
Grimstone
Douglas
Mulgrave
Selsey
Stewart, (Moray)
Stewart, (Galloway)
Saltersford
Harewood
Rolle
Wellesley
Bayning
Bolton
Wodehouse
Northwick
Eldon
St. Helens
Redesdale
Arden
Sheffield
Beauchamp
Gardner
Gambier
Caithness
Hume
Dalhousie
Glasgow
Balcarras
Aberdeen

Sinclair
Napier
Glandore
Longford
Clancarty
O'Neil
Limerick
Ross
Cahir

ARCHBISHOPS.
Canterbury
York

BISHOPS.
London
Bangor
Salisbury
Norwich
Chester
Hereford
Killala.

The following Peers paired off.

FOR	AGAINST.
Marq. of Buckingham	Willoughby de Broke
Guilford	Powlett
Foley	Newcastle
Darlington	Bagot
Ailsa	Strathmore
Cawdor	Dynevor
Alvanley	Saltown
Bishop of Oxford	Bishop of Durham

HOUSE OF LORDS.

Monday, January 28.

[Parliamentary Proceedings.] Earl *Grosvenor* addressed the House on the great impropriety of some of their present proceedings, in venturing to discharge the regular duties of parliament. Had he been present attending to his duty in that House, when the noble earl opposite (the earl of Liverpool) presented the Bill for the better regulation of Select Vestries, he should have protested against receiving the measure. Their lordships and the other House of Parliament ought not to consider themselves the legislature, when his Majesty was unhappily prevented from exercising the royal authority, and when consequently they found themselves left without that branch of the government which, united with themselves, could alone constitute the legislature of the country. Under such circumstances, they had recourse to an expedient which could only be justified on the ground of necessity. They proceeded to supply the defect of the executive power, by that which they possessed themselves. In thus restoring the complete government of the country, they discharged that duty which the emergency of the case required; and in adopting the mode by Bill, in preference to that by Address, they had, in his opinion, pursued the wiser and safer course. But at the same time, he had no intention to extend that principle, upon which the measure was founded, to other points to which there was no necessity it should be applied. The measure by Bill was certainly a complete fiction in the law and the constitution; but then it was one of those fictions which emergency alone could call for, and on that ground only was it salutary to the state. If their lordships would not stop where no necessity directed them to go further, they would occasion the most injurious consequences to the British constitution. They would unnecessarily have recourse to the use of fictions, and, by adding irregularity to irregularity, altogether confound the nature of the government. On these principles he intended to enter his solemn protest against the House proceeding to discharge one legislative act until the Bill should pass to enable them to remove the present defect of the government, and to act consistently with the laws and the constitution. He should certainly oppose the reception of petitions for the same reasons, and should afterwards desire that he might enter upon their lordships' journals a protest, which he had formed for the occasion. The noble earl concluded by reading the protest he had prepared; which set forth, That the Bill for supplying the defect in the exercise of the royal power was a measure founded solely upon the necessity of the case and its own emergency; but till that Bill should pass into a law, it would be derogatory to the principles of the constitution to proceed to any other legislative act.

The *Lord Chancellor* thought it extraordinary that any noble peer should proceed to state his protest, before the measure or act had been agitated, against which he intended to enter that protest.

The Earl of *Liverpool* observed, there was no motion before the House.

Earl *Grosvenor* again stated that his only intention was to declare his sentiments upon this important subject, and to put the House in possession of the reasons upon which he should consider it his duty to protest against any unnecessary acts of a legislature, or other parliamentary proceedings until the Bill before them supplied the existing deficiency in the government of the country.

The *Lord Chancellor* contended, that the same measures had been pursued in 1788, and had received the concurrence of the noble earl (Grosvenor.) If the noble earl was so anxious to protest against the reception of petitions, as inconsistent with their lordships' duty in their present situation, why did he not attend his duty on other days in that House, and, upon the principles he had urged to night, protest against a peer's taking the oaths and his seat?

Earl *Grosvenor* replied, that he acted consistently with his own ideas of duty and propriety on the subject; and to the extent he had already mentioned, he had given their lordships notice of the conduct which a regard to his duty, impelled him to pursue.

A Petition was presented by lord Walsingham, respecting an Appeal Case.

Earl *Grosvenor*—My Lords, I move, 'That this Petition be not received.'

The Lord Chancellor put the question; when it was ordered, without a division, That the petition do lie on the table.

The Duke of *Norfolk* presented a petition from the burgesses and others of the town of Lewes, praying their Lordships to hasten their proceedings to fill up the vacancy in the royal prerogative; disapproving of the contradictory measures pursued by the two Houses of Parliament; and also recommending that his Royal Highness the Prince of Wales should be appointed Regent without any Restrictions.—After the Petition had been read to the House, it was ordered to lie on the table.

[REGENCY BILL.] The Earl of Liverpool moved the order of the day for considering the Report of the Regency Bill; when, the Report having been brought up,

His Royal Highness the Duke of SUSSEX rose and spoke to the following effect:

My Lords; Feeling, as I do, the magnitude of the subject which is now before us, in which we are to bear in mind, not only that we are to remedy the dangers and difficulties which the present calamity has brought upon our country, but that whatever measures we take will hereafter serve as precedents, upon which future generations will have to proceed; it behoves us to act with the greatest prudence and circumspection, in order that the interests of the State may be maintained, and the liberties of the people, as well as the blessings of the Constitution, may be handed down to posterity pure, unshackled, and unimpaired. With these sentiments, I have paid unremitted attention to every step we have taken, most anxious to gain all possible information, before I intrude myself again upon your Lordships; and to be instructed by the luminous observations of many Noble Lords, who have spoken during the different stages of this most weighty business, to whose erudition I certainly cannot pretend, but to whose zeal I put in an equal claim. The result of my observations is, that, except as to the determination and expediency of appointing a Regent, and his selection; as also to that part by which the immediate care of the King's person is confided to her Majesty, I object to every one of the Resolutions, conceiving them to be of the most dangerous tendency. It appears to me, my Lords, that the framers of this Bill have proceeded, first, by a violation of precedents; secondly, by a violation of the law, and consequently by a violation of the Constitution. I am well aware, that, in making these assertions, I am exposing myself to a variety of attacks and misrepresentations; but despising and regardless of the danger, I am determined, whether I can produce any thing new or not, at least to acquit my conscience, by endeavouring to do my duty faithfully, in a moment of great arduousness and difficulties; and by giving my free and unbiassed opinion as to the measures which I conceive would be most advantageous for my country to adopt at such an eventful crisis. I know likewise I shall be accused of want of delicacy, but my answer to such an insinuation is, that much as I love this subsidiary virtue, it must ever give way, when truth is of more importance than delicacy. All the precedents, which we have collected from the wisdom of our ancestors, for the guide and government of our conduct, in this melancholy occasion, have only served, either to teach us their errors, or to prove that they never were visited with so weighty a calamity; since the measures we have adopted are not grounded on a single one of the precedents, contained in the Report, which the Committee, appointed for that purpose by your Lordships, has made to us; nor have they the smallest analogy to them. As to the violation of the law, I have only to observe the manner in which Parliament has been opened. The commission purports to be an act of the Crown, when it is in substance the act of the two Houses. The Great Seal is the high instrument by which the King's Fiat is irrevocably given. It is the mouth of the royal authority, the organ by which the Sovereign speaks his will. Now, when, my Lords, has his Majesty's will been made known to us? At a moment when all our proceedings are grounded upon the established fact of the temporary suspension of the Royal functions by indisposition, and consequently he has no will of his own. The act cannot for a moment bear examination, as it carries upon the face of it an untruth, I might even add, a forgery. For upon the lamentable, but manifest proof of the Sovereign's temporary incapacity, we declare the necessity to delegate the Royal Authority. Therefore, it is an act of the two Houses to which I object; for the two Houses, not being responsible, ought not to interfere; besides, to my knowledge, there does not exist a single precedent in this country, where the two Houses ever took upon themselves to exercise the Legislative Authority of the Crown. But I can quote many statutes against such proceedings; for instance, the 10th of Edward 2, the 33d of Henry 8, first of Philip and Mary; and particularly the 15th of Charles 2, which even attaches the danger of a præmunire mentioned in a statute 16th Richard 2, to any person or persons, who shall assert that both Houses of Parliament, or either House of Parliament, have or hath a legislative power without the King. In my humble opinion the mode pointed out by justice to the country and the constitution, would have been to address the Prince of Wales to take upon himself the exercise of the Royal Authority. If there were a necessity for putting a seal to a commission, the two Houses might have appointed by such a commission the Prince of Wales Regent, with full powers of assent and dissent, and all the prerogatives of the Crown, by which proceeding there would have appeared no infringement of the constitution, as the three branches of the legislature would have been all represented. As guardians of the interests of our King, during the interval of his illness (for I perfectly agree with the Noble Lords on the other side of the House, the recollection of his Majesty must ever be present to us in order to keep us to our duty) we are not to suffer any advantage to be taken to despoil the Crown of its just and constitutional rights, but we must take care that, when it shall please the Almighty that the King may be capable of assuming the royal functions, he shall find them undiminished, whole and entire, as previous to his ever-to-be-lamented indisposition.—It is our duty to see that the Government which Parliament is about to establish, shall be one of vigour, energy, and effect. Motives of self interest, prudence, and justice must prompt us to preserve entire all the duties of the kingly office; for it is only by the preservation of this branch of the legislature that the two others can expect to maintain their rights and privileges secure and entire. The royal powers and prerogatives are as a weight in the balance of the Constitution; if, then, we diminish that weight we alter the balance. My Lords, though I allow in one sense of the word the King to be the servant of the people; because his power has no other rational end than that of the general advantage of the state; still, in the ordinary sense of our constitution, he cannot be considered as one who is to obey the commands of some other, and to be removeable at pleasure; for the King obeys no other person, while all persons are immediately, and collectively too under him; and owe to him a legal obedience. The law, which knows neither to flatter nor to insult, calls this high Magistrate of the People, not our servant, but our Sovereign Lord the King. In making, therefore, a Regent, whom I consider to be the person into whose hands the possession and execution of the royal powers and functions are deposited and confided, we are to take care most religiously, that no infringement may be attempted; while that great and constitutional prerogative of the crown, which has been given it, for the personal security of the Sovereign, and the liberties of the people is actually suspended; I mean, my Lords, the royal Veto. Otherwise we are taking an unfair advantage, and conspiring to disable, by art, that Sovereign, who, unfortunately at this moment, by the visitation of Providence, is incapacitated from watching over his own interests, and from guarding the liberties of the people. I have heard of frequent allusions and references to various periods in our history, as similar to our present disastrous predicament; inasmuch as they relate to the situations of the two Houses, I admit them to be true, but in no other respect. At every one of these eventful periods, the House of Commons has invariably endeavoured to augment their consequence. Already in the minority of Richard 2, the House of Commons began to feel their independence; and for the first time elected a Speaker, who might preserve order in their debates, and maintain those forms which are requisite in numerous societies. The times are certainly altered; but then they did not come to Resolutions, as in the present instance, but they petitioned the House of Lords to provide the Council to direct the public business: and as to the regulation of the King's Household, our House declined interfering in an office, which we said was invidious in itself, and might prove disagreeable to his Majesty. It was attempted by the House of Commons, on that occasion, to chalk out to us a certain line of proceedings; but we gave them to understand, by our silence, that we did not approve of their interference in the more important matters of the state, although presented by them in the form of petition. We did not however hear, at that time, of any restriction relative to the number of noble lords, who were to sit in our House; they were not our generous instructors, whom we were to applaud and imitate; they did not attempt to have a share in creating a peer, which would be the case, if one of the present clauses were to pass; for by this step the honour of peerage would be put to the vote; and thus a most unparliamentary interference of the one House, with the constitution of the other, would be established. Should any measure of this sort be necessary, against which I protest, as being an encroachment on the prerogatives of the crown, it ought to originate within our own walls; and therefore I consider the suggesting of such matter in another place, and particularly at this present moment, as an infringement on the rights and privileges of our House. I should like to know how the House of Commons would receive a Resolution of the following nature from the House of Lords, that we had thought fit that the Regent should sign no money bills. Would they not conceive that any interference on our part of such a nature would be an infringement on their rights and privileges? Perhaps some of his Majesty's late ministers, who occupy situations in that other House, and who have equally usurped powers, which they ought not to have exercised, for so long a period as the present, might be less severe in watching over the privileges of that House, as I believe it a point upon which they are most sore; for, if report speaks true, we do know that monies have been issued, previous to the hasty vote of the two Houses a fortnight ago; and if so, I contend that that administration, which has gone by the denomination of the No-Popery administration, has been more papistical than any one we ever had before; nay, I should say, that with their thirst after power, they had swallowed up the Pope. For by so acting they must have dispensed with the oath, which is taken in the department of finance, that no issue of money can be permitted without the sign manual of his Majesty. I have heard that sovereigns have been advised, very injuriously to their own interests and those of their people, to dispense with certain laws; but I never heard that any sovereign has pretended to dispense with an oath but the Pope. I have stated these two points, in order to call the attention of your Lordships to the difficulties and perilous situation in which the two Houses might place themselves, by complimenting and encouraging each other, to encroach on the prerogatives of the crown, in order to facilitate the means of mutually acquiring the additional power, which they might feel inclined to assume to themselves. Such is the infirmity of human nature; such the proneness to ambition; such the natural thirst after power and dominion, that it behoves us always to watch every opportunity to advance the objects of such passions, with extreme jealousy, and to check their progress in their first outset. For does it not appear insidious to propose to the House of Lords, as a measure of expediency, the stopping for a time any increase of members in our House, the effect of which would be instantly to increase the consequence of every individual noble lord, who has a right to a seat? Beware, my Lords, of such champions of the constitution, who would abuse their trust, if they were to take powers, which did not belong to them; in order to flatter us with a degree of authority, which does not belong to our House, or in order to deprive the sovereign of a right, which does belong to him, and that at a moment, when we are pretending to guard the crown. We should be thus striking at one of its legal, constitutional rights, when it is utterly incapable of defending itself; which I must consider as a proceeding unworthy of a British heart, and still more unworthy of the acknowledged justice of the hereditary legislators of the British empire. It appears to me, my Lords, that our ancestors, with a studied and laudable precaution, have thrown a delicate veil over the office and powers of a Regent, considering that existing circumstances would always be a safer and better guide to their posterity, than the laws of precedent. Regencies are at all times expedients which the necessity of the case may require, but which no man, who knows any thing of political effects, would wish that occasion should arise to create. In the present existing circumstances, the Regent must not be a commissioner of the crown, or a sort of prime minister, as seems to be the opinion of some noble Lords, but he is the eldest son of the Sovereign, whom the two Houses of Parliament have had recourse to, as the safest, and the most proper person, to support the weight of his royal father's crown, which is too heavy for him, from a temporary indisposition, we will most fervently hope. He is to maintain untouched all the royal prerogatives, to guard the liberties of the people, and to prevent both Houses of Parliament from going astray, in consequence of the temporary suspension of the magistracy of royalty. How can we expect such an Herculean task from the Regent, when we are coming to a resolution, which would sow the seeds for a combination of the House of Lords against the crown, and consequently would encourage a faction, which the Regent would not be able to counteract. For by such a proceeding, we should be shutting the doors of the House of Lords to the people, and creating ourselves one great, independent, omnipotent branch of the legislature. With such an impression, it is impossible for me to admit that the prerogatives of the crown can be divided, some of them reserved, while others are given to the Regent; and at the same time to contend that the Regent should, nevertheless, be able to carry on a strong and vigorous government, without opening the door to an argument, that if there are prerogatives annexed to the crown, that are not in themselves necessary to the energy and vigour of government, these prerogatives might be spared, and might be abolished, since the crown, no more than the Regent, ought to enjoy prerogatives, which are admitted not to be essential and advantageous to the constitution. If these prerogatives be necessary to the splendour and authority of the crown, they ought not to be suspended, even for a single moment. What is the constitutional authority of the crown? It is an assemblage of all the duties of the kingly office, defined by the common, and statute law. When, and to which of the three estates, was assigned the power of bestowing honours? To the crown. And that power of the crown is derived from the same source, from whence our House derives its power. It is an integral part of the power of the people. The moment, therefore, we take from the crown the power of bestowing honours, the constitution is no longer the same as formed and handed down by our ancestors. The King possesses the power because it is necessary—it is an inherent right in the crown—it is a public right, and not a personal individual right—it belongs to the kingly office, as one of the royal prerogatives, absolutely necessary for the support of government, and the good of the people, and, therefore, if this power be necessary to the King, it must be equally necessary to the Regent. There is no doubt that the royal prerogative of granting the highest dignity a subject can aspire to, is one of the first privileges of the crown, and is given for wise and beneficial purposes—for the advantage of the people—and those who are the objects of government, and for whose benefit all governments are erected, and not for any aggrandizement or benefit of the crown itself. The reasons for these prerogatives are two: the one to enable the Sovereign to reward merit, and to bestow grace on the deserving. The other to prevent a combination of our House, which might subvert the very existence of monarchy itself. I have not heard, my Lords, that any single duty is not expected from the Regent. If then he is to be charged with the whole duties of a King, he cannot, he must not be curtailed of the prerogatives—else a time may come when the question may be agitated in respect to the power of the crown. Might it not be afterwards said, what is taken from the crown is gained to the people? Think for a moment, my Lords, how the monarchy would stand if the power of making peers in the one House was taken from the Sovereign, while the other House, after prompting and urging us to such a step, was to solicit our assistance to rob the Sovereign of his other prerogative to dissolve them. Separate thus the idea of the powers of the King from the monarchy, and you will soon feel the deadly blow which has been aimed at this monarchy. My Lords, if it were possible, instead of weakening the powers of the Regent, I would say, they ought to be increased; for every government, which is existing but upon a momentary event, must be unavoidably and naturally weaker than that which is in itself of a permanent nature. Necessity certainly justifies our taking measures to get the third estate faithfully and efficiently represented; but we are not authorized to make an improper work—we are not called upon to depart from the substance of the constitution to create a mutilated Torso. These are not the principles instituted by our ancestors—we ought not therefore to suffer those principles to be wantonly changed at the suggestion of cunning or caprice, in order to serve the purposes of a temporary, self-constituted, oligarchical Junto. For if we were to give way thus incautiously to such opinions, we might be hereafter prevailed upon to sacrifice what has been agreeable to the wishes and the taste of the people, even the most salutary and useful regulations of centuries past. As for me, my Lords, I cannot see any advantage from the violation of the constitution; but I fear much such speculative trials may occasion the total subversion of it. It is not consistent with the duties we owe, either to the sovereign or to the people, to try experiments at such an awful period, or to introduce a system of this nature. Is it fair, in imposing on the Regent many painful and arduous duties, that he should be deprived of those benefits, which would be some recompence and consolation for the cares and anxieties his own embarrassing situation will bring upon him? The Regent's situation will indeed be one of painful pre-eminence, perhaps more correctly styled of royal servitude. It ought certainly not to be deprived of all that is graceful, of all that is honourable; we ought not to rob it of all that is calculated to shew us the kind, generous, and merciful disposition of the royal personage, who has even condescended to accept of this weighty charge, with encreased difficulties, as he was pleased to observe, in his answer to your lordships. I certainly shall see with regret most of these clauses passed, and particularly that one which deprives the Regent of the power of dispensing honours, even for a limited time, to those who in their different calls and situations, have a claim to such a distinction; for merit is likely to arise at all periods, and equally deserves reward. Besides, the avowed principle on which it is declared a Regent ought to be appointed is, that he should chuse his political servants. Now, the very restriction of peerage may prevent the Regent from making that judicious selection, which he may judge most advantageous and beneficial for the welfare of the country. By thus stating my opinions, I feel I am acting as a warm friend to my country—as a warm friend to my Sovereign and father—as a warm friend to the Prince of Wales, my brother—and as a warmer friend to every thing that ought to be held most sacred and dear in the Constitution. I certainly have, as most persons, a preference for a particular set of men, but upon this conviction, that the man who serves the country best and most advantageously for the people, is the minister whom I shall think myself bound to support. Not approving of the measures which have been proposed, I vote against them, conceiving that I am voting with the laws of my country, on a conviction of every part of the system being erroneous and defective. And, therefore, I feel a pride and satisfaction in what I am doing, neither intimidated nor caring for sinister insinuations which have been mischievously propagated, of the existence of a Fourth Estate, or of a College of Princes. The purport for which such a new phantom has been conjured up is as artful as it is wicked, since it is attempted in so critical a moment as the present, to inflame the minds of the people, or to frighten them with imaginary dangers, with a view to cripple and crush more effectually the power of the crown, and to dishearten the honest and unshaken exertions of the Sovereign's relatives, who have seats as Lords of Parliament; and who are at the least the natural, if not the legal guardians of the interests of their revered parent, when the violation of the laws of nature is one of the revolutionary cries of the day. Such persons, who study and contrive to misrepresent the constitutional endeavours of the royal peers to preserve the rights and prerogatives of the crown whole and entire, deserve the execration of the country, as having acted with a species of baseness scarcely paralleled by any instance of human depravity.

The Amendments made in the Bill in the Committee were read by the Clerk, and the question put upon each by the Lord Chancellor. The Amendments made in the first clause were severally agreed to. On the Amendment in the second clause respecting the signature of the Regent, namely that in cases where it had been usual for his Majesty to sign initials, that then the initials G. P. R. only should be necessary,

Earl *Stanhope* suggested a doubt as to the propriety of the word "usual," as by an accidental mistake in the signature of the Regent an instrument might be invalidated. Suppose the case of a patent of peerage, after the period of the restrictions, was the validity of it to be endangered by an accidental error in signing it. He thought it would be better to leave the option of the two signatures to the Regent.

Lord *Grenville* did not think the case of an instrument being invalidated from such a cause could happen, but he had no objection to propose an Amendment in conformity with the suggestion of his noble friend. He therefore proposed as an Amendment, that the signature should be "George P. R." or an abbreviation thereof, viz. G. P. R.

The *Lord Chancellor* thought the original Amendment the preferable mode, and was clearly of opinion, that an instrument under the Great Seal, could not be invalidated by the mistake of a signature in initials instead of a full signature.

The Earl of *Liverpool* observed, that the form of the signature in each case, was perfectly well known to all the clerks in office, by whom the signature to be used was written in pencil on the instrument. He could not conceive, therefore, that any mistake could arise.

Earl *Stanhope* ridiculed the idea of the pencil marks, and still maintained his original opinion.

Lord *Grenville* agreed with the Lord Chancellor, that a mistake in the signature could not invalidate an instrument under the Great Seal.

After some further conversation, the original Amendment made in the Committee, was adopted and agreed to, lord Grenville having withdrawn his last Amendment. On the motion of the earl of Liverpool, the oath to be taken by the Regent respecting the church of Scotland was omitted. On the Clause for limiting the period of the restrictions to the 1st of February 1812, or till six weeks after parliament shall have met, &c.

Lord *Grenville*, in pursuance of what had passed in the Committee, and of the sentiments which he had then expressed on this part of the Bill, rose, in order to propose an Amendment, the object of which would be to limit the duration of the Bill. His great wish was to limit its operation to about six months after the passing of the act. In establishing the expediency of this alteration in the existing provisions of the Bill, it would not, he observed, be necessary for him to trespass at any length upon the time or attention of their lordships, as the argument lay within a very confined and narrow compass. The effect of his Amendment would be to limit the duration of the restrictions imposed by the Bill, to the 1st of August in the present, rather than to the 1st of February in the next year. This he proposed to do upon a principle founded on the experience that had been acquired since 1789, respecting the nature and the duration of the malady, with which his Majesty was unhappily afflicted. On that former occasion, when this very important part of the subject had been under consideration, their lordships had not the great advantage, which both Houses of Parliament enjoyed at present, to direct their deliberations, namely, the benefit of experience and the result of antecedent cases to refer to. They had no grounds in that former instance existing to enable them to form any correct judgment, as to the nature or probable duration of the malady, with which the King was then unfortunately afflicted. But the case was now widely different: Their lordships had not only the advantage of being able to form a judgment from experience of the nature of the malady, with which his Majesty was afflicted, but also as to its probable duration by reference to the progress and termination of the repeated attacks to which the royal patient had since been unhappily subject. It must be the anxious wish of every one of their lordships, that what had been so confidently advanced by many noble lords in that House, respecting the eventual recovery of his Majesty, should speedily take place; and that a beloved monarch should be restored to the prayers of a loyal and affectionate people: yet the point then under the consideration of their lordships was, to decide impartially upon consistent principles, and to regulate their judgment by the lessons of experience and the evidence of facts. There was at the same time, he trusted, no period of the probable duration of the malady so protracted, as that the hope of recovery could be regarded as desperate: but the critical necessity of the case, the actual situation of the country, and a just regard to its safety in the interval that may unhappily intervene before that recovery, formed the great grounds, upon which their lordships' decision on the present occasion ought to be founded. No one could more ardently join than himself in the hopes, the wishes, and the prayers of the people for his Majesty's speedy recovery; but upon what had been stated by the noble and learned lord (the Lord Chancellor), on the former evening, relative to the immateriality of the period of the Restrictions, only one interpretation could be put, namely, that the noble and learned lord thought his Majesty then in such a state of amendment, that his almost immediate recovery was certain. They must, however, in this measure legislate upon a principle applicable to the case, as far as they could derive any knowledge from experience. The difference between the terms of the duration of the Restrictions, was the question between them. He would be able to shew, that on just and consistent reasoning, the period which he proposed was the fittest for the duration of the Bill. By the experience they had with respect to the first malady and the intervening attacks, it was incontrovertible that the period which he proposed would afford an abundant interval for deciding as to the probable duration of the malady. They had upon that point the fruit of the study and science of men the most eminent in their profession. He alluded to the reports of the physicians who attended his Majesty. From these it appeared, that the royal patient had recovered three times from similar attacks, and that in the longest of these, the duration of the malady was not more than four months. He had given much attention to the subject. What period of time the intervening attacks lasted, they had no opportunity of knowing precisely; but with respect to the first, the records of parliament would shew that its duration did not exceed the period he had stated, and the physicians all spoke of it as the longest interval of the malady. No material variations were stated to have existed as to the nature of the malady at the different periods. But generally he must observe, that, if their lordships agreed in the propriety of Restrictions, and of a Limitation of such Restrictions, the Limitation ought to cease, at that period within which, according to the evidence of the physicians, they might have reason to expect either that his Majesty would recover, or, if the disorder should be protracted beyond the period, when that recovery would be—he should not say hopeless—for he trusted that would never be the case, but when the expectation of recovery would be materially diminished.

Upon a review of all the circumstances of the case, and after the closest attention which he could pay to it, he had framed his Amendment so as to include the interval, in which according to all probability the recovery, if at all, would take place. The attack of the disorder with which his Majesty was afflicted in 1788 and 1789 did not continue longer than four months. That fact was on the records of parliament. Of the two subsequent attacks he could not speak with the same certainty, but as far as could be collected from the evidence of the physicians, they did not last longer, or at least very little longer than the attack of the same disorder in 1788 and 1789. The noble lord then referred to particular parts of the examination; and laid particular stress on the opinions expressed by one of those gentlemen, not, he said, from any invidious preference as to skill or ability over the rest, but because from his more extensive experience in that particular species of malady, he had had superior means of forming his judgment. His lordship then briefly quoted some particular parts of the testimony of Dr. Reynolds, of Dr. Heberden, of sir Henry Halford, of Dr. Baillie, and of Dr. Willis: in all which they seemed either more or less agreed, he observed, in the conclusion he had referred to, with respect to the interval beyond which the probabilities of recovery were materially diminished, and the confident hopes of ultimate re-establishment wholly shaken. In the uncertainty of all medical science, with respect to this disorder, their only, or, at least, their chief guide in forming a judgment respecting its duration, must be experience. In the case of his Majesty they had happily the experience of his former recoveries from attacks of the same disorder; and in proposing to limit the duration of the restrictions to the 1st of August next, namely, about six months from the passing of the Bill, a period would be thus given of nine months from the 1st of November last, being a period of more than double the term of the duration of each of the former attacks of the same disorder with which his Majesty had been afflicted. He was above any mean and dishonourable attempt which may be made to throw a stigma, or any insinuations against any man for the sentiments he entertained, or the opinions he had formed on this part of the case—the period which should be fixed for the duration of the Bill. These applied as well to the man who fixed twelve months, as to him who proposed six months for its duration. The only question at issue was, which of the two periods was the most likely, with a reference to the facts of the case, to medical experience, and the principles of sound reasoning, for the probabilities of recovery, to occur in? Besides, the interval he proposed exceeded double the longest period that hitherto the malady had lasted. What he proposed was to substitute the month of August to the time fixed at present. There was one argument which he would wish to offer, which was, that the limit he proposed would not clash with the opinions of those who founded theirs on the idea that Parliament should be sitting at the period when the Bill expired, in order to afford an opportunity of further consideration and revision. In this view, he would observe, that any man who knew the state of public business, and the measures which it would be necessary to propose, must be sanguine indeed, if he supposed, that, under the administration of a Regency, which was not to commence before February, parliament could separate at least before it should be far advanced in July. This consideration would greatly tend to do away that objection. His lordship then moved, that the word "February" in this clause be omitted, for the purpose of introducing the word "August."

Viscount *Sidmouth* observed, that he should on that occasion abstain from going generally into a discussion of the propriety or expediency of restrictions, as these were considerations not connected with the question immediately before their lordships. The restriction as to the peerage proceeded on the ground that his Majesty's indisposition would only be temporary; and the opinion of the physicians warranted the expectation. The question, both of the expediency of restrictions at all, and of the period of their duration, rested on the probability of the King's recovery; either because, on his restoration to health, they would necessarily cease; or because, if the improbability of his recovery became manifest, it might be unfit to continue them. His noble friend (lord Grenville) had alluded to the precedent of 1789. Would to God they had invariably adhered to that admirable pattern! He had told them that it was not until the third reading of the Bill, at that period, that the expediency of limiting the time to three years had been urged; and he had told them truly, that this was contended against on quite another ground from that urged against the limitation now proposed. But the clause introduced into the present Bill completely obviated the objection made to the corresponding clause in that of 1789. His noble friend had said, that they had then no ground on which to form their opinion; but this he must most directly deny. Had they not satisfactory experience of the nature of his Majesty's illness and the probable period of its duration even during the first attack? Was not the evidence of that experience recorded upon the Journals of their lordships' House? Might not noble lords find there the opinions and judgment of Dr. Willis, one of the ablest and most experienced practitioners in that particular species of malady, and one of course upon whose authority they might most confidently rely? Had not that eminent physician on his examination declared, from the result of a most enlarged practice, that the duration of such disorders, as his Majesty was then afflicted with, was generally from three to fifteen or eighteen months; that he had known some cases of recovery still more speedy, even at from two to three months; that he had met with recoveries after two years; but that the average of the duration was, as he had at first stated, from three to fifteen or eighteen months. So far, then, from there being no experience on which to found an opinion, they had that of one of the most enlightened practitioners that ever lived, that from three to fifteen or eighteen months was the common period. It was clear, then, that their lordships had upon their Journals, in the evidence of this physician, the grounds of the restrictions which were proposed in the year 1788, and of the duration, which had been fixed to the operation of the Bill imposing the restrictions. The actual clause in the Bill under consideration respecting the duration of the restrictions came so far recommended to him, because it had the sanction of this experience and authority; and it came further recommended to him, because, when its duration was to expire, it would have to come under the judgment of parliament to regulate the proceedings which should then be adopted. But his noble friend would assert, that in fair reasoning, and in just argument, the period of six months should be considered sufficiently long. Such an assertion could rest only on the supposition, either that the King must be recovered by the 1st of August; or, if not, that then his recovery must be so improbable, that the restrictions should then be taken off. These were points, into an examination of which, it could not but be painful to enter; but the view which he had taken of the general evidence of the physicians, enabled him to draw inferences from it, very different from those which seemed to be deduced from it by his noble friend. In his mind, however, and he would thank God for it, there was never less room for difference of opinion than on this point. But with this impression on his mind, he could not well set forth and establish, with a minute reference to the evidence of the different physicians, a detail which, he much feared, must greatly fatigue the attention of their lordships; but it was necessary to go into it at some length, in order to shew that it did not countenance the Amendment moved for by his noble friend.—The noble viscount then proceeded to read different parts of the examination of the physicians; and when noble lords read it, he hoped they would attend to the questions as well as to the answers respecting the point upon which his noble friend rested the whole of his observations. These observations tended to prove, that if the term of his Majesty's disorder was protracted beyond its limits on former occasions, the probability of his recovery would become fainter, if the symptoms continued to be the same. But his noble friend did not seem to take the symptoms into his consideration, but merely the time. The symptoms, however, the physicians never lost sight of. They repeated again and again, that if the symptoms continued the same, and the disorder was protracted beyond its duration on former occasions, then the probability of the King's recovery would be less favourable. Now, it afforded him the utmost satisfaction to know, that a material change had already taken place, and that an actual amendment was going on. The symptoms, therefore, did not remain the same; and therefore, the opinions of the physicians, if fairly stated, would not make out his noble friend's argument. It was on the favourable change in the symptoms, and not on the greater or less duration of the disease, that the physicians founded their opinions; for they observed, that that particular illness was very different at different times. They could not even conjecture what might be its duration; it was longer in 1788 than in 1804, which they could not account for. But he would repeat that it was upon the change in the symptoms, and not on the duration of the disorder, that they formed their opinions of the probability of recovery. This was a point to which he hoped their lordships would particularly attend. This it was which, in his conscience and judgment, afforded him the most confident hopes; and this, in his mind, was the fair interpretation which should be put on that part of the evidence of the physicians, on which his noble friend seemed to lay so much stress. There was consequently in his opinion no ground for the Amendment moved by his noble friend, and he felt therefore bound to give it his opposition: but he must add at the same time that he felt much gratified at finding that even his noble friend had proposed six months from the 1st of February rather than from the 1st of November last.

The Earl of *Coventry* expressed his determination to support the Amendment, fully impressed as he was with the consolation the country must feel in having a Prince, so distinguished for every great and virtuous quality, to take care of its interests during the continuance of the afflicting indisposition of his royal father.

The Marquis of *Stafford* declared himself anxious to view the subject without any reference to the personal characters of the two illustrious personages affected by the proposed proceedings of parliament. Neither could he agree with one side of the House in the position, that no other parts of the royal prerogative should be transferred to the Regent than were actually necessary—nor with the other, when it was maintained that all the prerogatives of royalty of right appertained to the appointment. In his opinion parliament possessed a discretionary power, to be regulated by the peculiar circumstances of the case and time, to which its attention was called. Viewing the subject thus, he saw very serious distinctions between the present period and the year 1789.—There was the difference of peace and war, together with that most important point, that the Sovereign was not not then arrived at his present advanced age. With respect to the objection against giving the power of granting peerages founded on the ground of an improper exercise of it by the Regent, he must be allowed to say that such an apprehension, though a justifiable motive for caution in the case of a Regent either not allied, or remotely allied to the throne, could not apply to the son and heir of the Sovereign, upon whom the evils of such an unjustifiable course, would, in the ordinary course of nature, react.

The *Lord Chancellor* begged leave to state to their lordships, that with respect to the motion, then under their consideration the question had not been fairly or acccurately stated. This he should endeavour to prove to the Committee in a subsequent part of his speech, the more immediate object, which he had in rising, being to set the noble baron (lord Grenville) right upon a point, respecting which he had been himself (the Lord Chancellor) as well on that as on a former occasion greatly misrepresented. The noble baron, as well as the noble earl near him (Grey) had thought proper to put a construction upon his words, which he never meant them to bear. They concluded, that, because he stated it to be of no consequence personally to himself, whether the commencement of the Restrictions should be dated from the first of November last or from the present time, he was therefore impressed with a sanguine hope of his Majesty's speeedy recovery. Such an opinion, he must explicitly declare he never had given, though for some reason not clear to himself, his language had been much misrepresented on this point both in and out of that House. He would explain to their lordships what he really did say. There were many noble lords who now heard him, who knew how well he could justify himself against all the calumnies and accusations urged against him. There were many of them who knew that at the time when he was charged with criminality, he was only one of an administration which acted never against the opinion of the physicians; nay some of these noble lords who formed part of that administration, and acted with him then, sat now on the bench with the noble baron and noble earl, who accused him, and were, and must be convinced, that all he said in his own vindication was strictly true. So satisfied was he of the integrity of his motives and the correctness of his conduct, that he would not shrink from the most minute inquiry into every part of those transactions. What he did on those occasions he did in concurrence with, and with the approbation of all his colleagues, and he would have acted as he did, though he had even differed from every man among them. He would even go farther, and say, that acting conscientiously, so help him God, he could not have acted otherwise than he had done in the instance particularly alluded to. Whilst he had the approbation of his own conscience he was ready to incur every risk and submit to all the responsibility which the faithful discharge of his duty might expose him to. But what, he would ask, was the nature of the crime imputed to him? Why nothing but this, that he had on these occasions acted in obedience to his Majesty's commands. What would the noble earl have thought of his conduct, if he had refused compliance; what kind of crime would that noble earl consider him guilty of, if he had dared to disobey the positive commands of the Sovereign?

With respect to the accusation which had been made over and over again, as to his having held out a certain prospect of his Majesty's speedy recovery, he would now repeat, what he had stated as often as the charge was preferred, that he never held out any such hopes to the House. He had certainly stated from himself, as from a person ignorant of the medical profession, his confident expectations of his Majesty's recovery within a reasonable time. This he must observe was a species of disorder as to which he had little confidence in the opinions of physicians. If all the physicians on earth were to tell him that his Majesty's recovery would be speedy, he would not believe them. Upon the same grounds, were they to declare that his Majesty's recovery would not be speedy, he would be equally incredulous. The restoration of the Sovereign to the full exercise of his mental powers depended upon other causes than mere medical aid. In the language of the Scriptures, if it was the pleasure of God that "there should be light" in the royal mind, "there will be light." He would, however, undertake to assert, that there was a most material amendment in his Majesty; and having said this, he would say no more at present, but that, upon his hopes of salvation, he believed what he had asserted to be true and right.

As to the Amendment proposed by the noble baron, the object of which was to limit the duration of the Restrictions to the 1st of August, it arose out of the principle that there were to be Restrictions. Now as the noble baron admitted the principle, he could not comprehend why he contended with such unrelenting positiveness for the limited duration; though he had declared a month ago, that nothing should induce him to vote for their continuance beyond six months from that time. There appeared to him an irresistible argument against the ceasing of the Restrictions at that period; and it was this, that parliament would not be then sitting. It was on many accounts extremely desirable, that both Houses should be sitting when the Bill now under consideration should expire. With regard to the observations made by the noble earl at the conclusion of his speech in a late debate, he would repeat what he had before declared, that he would shrink from no enquiry into his conduct on the occasion alluded to. He had acted upon his conscience, and to the best of his judgment. His conduct would be the same on this occasion. He would act upon his oath, in despite of the opposition of the whole world. His opinion was, so help him God, that there was a most material amendment in his Majesty. It was little more than forty eight hours since he had an opportunity of ascertaining this improvement in his Majesty; and he trusted in God that his gracious master would live many years to be, as he had always been, the benefactor of his subjects.

Earl *Grey* then rose and said, My Lords, there is one point in which I fully agree with the noble and learned lord, who has just sat down, which is, as to the importance of the subject we are discussing, and the magnitude of those duties, which your lordships are now called upon to discharge. My opinion, founded, as I think, upon constitutional principles, and supported, as I trust to prove, by sound reason, is, that you cannot, without extreme danger and certain injury to the monarchy itself, and, of course, to the reigning sovereign, for whom the noble and learned lord professes such affection, limit or abridge those prerogatives of the crown, which, being vested trusts for the benefit of the people, are attached to the office and not to the person of the King. To this part of the subject I shall feel it hereafter my duty to recur, being at this moment particularly anxious to advert to the allusions made by the noble and learned lord on the interpretation, which my noble friend (lord Grenville) and myself are supposed to have put upon certain expressions of his in a former debate. The noble and learned lord professes loudly, and I trust sincerely, his determination faithfully and honestly but firmly to perform his arduous duties under all circumstances, and at every risk. I am, my Lords, not disposed to indulge in professions, though I hope that, in every occurrence of my life, I have at least evinced the inclination to act upon the conscientious conviction of my duty, and honestly to adhere to it undaunted by difficulty, and uninfluenced by apprehensions of personal consequences or perverse misrepresentation. It is not my practice, nor is it in my disposition, to make charges or urge accusations upon light grounds. In performing what I conceive to be my duty to your lordships and to my country, I am bound to arraign the noble and learned lord for an offence little short of high treason. In bringing this accusation against the noble and learned lord, I will not conceal, that it is my intention to deal as severely with him, as I possibly can, but, at the same time, as justly as the importance of the question and the solemnity of the case require. The rigid and impartial line of public duty I shall strictly observe towards the noble lord, determined that neither his agitation nor his fears shall deter me from arraigning him, if I shall find that he has been guilty of what I cannot but consider all but treason. The noble and learned lord asks, what is the designation of that crime, which a public servant would commit in refusing to obey the just commands of his sovereign. I acknowledge that would be treason to the sovereign, but with my answer to that appeal, I beg leave to couple another question:—what, I ask, would be the character, what the appropriate punishment of his offence, who, knowing his sovereign to be actually at the time incompetent; who, in the full conviction of his notorious and avowed incapacity, and whilst he was under medical care and personal restraint, should come here and declare that there was no necessary suspension of the royal functions; who, under such circumstances, should in his Majesty's name, and, under the pretext of his Majesty's commands, put the royal seal to acts which could not be legal without his Majesty's full and complete acquiescence; what, I ask, would be the crime of that man, who should venture to take such a course? I do not hesitate to pronounce his offence to be treason against the constitution and the country.

The noble and learned lord complains of much misrepresentation, of what fell from him in a former debate, as to the little consequence or insignificant difference it could make, whether these limitations on the Regent were to be dated from the first of November last, or from the present period. Has any one imputed to the noble and learned lord, that he had couched, under these expressions, any improper or ambiguous meaning, different from that which they seemed to convey? But what is the proof of his having been misrepresented? Let these expressions be fairly considered, and what will be the obvious, the just and legitimate inference? Am I to be declared wrong in my construction of them, because I thought that he was prompted to make such a statement upon the strong impression that he entertained of his Majesty's speedy recovery? The noble and learned lord may deny the validity of our reasons, he may challenge the correctness and propriety of our inference, but I must confess that I cannot admit the justice of his complaint, when he charges us with misrepresentation. If, however, the interpretation, then put upon these expressions, was not correct, I own I am at a loss even now to guess at their real meaning Notwithstanding all the rant of this night, they are just as unintelligible as they were before. "I did not," says the noble and learned lord, "give the opinion imputed to me, but I will tell you immediately what was my meaning when I used the expressions—I meant only that to me personally it was of no consequence, whether the restrictions on the power of the Regent were to commence from the 1st of November last, or from the present period." Having repeated his former words, we should have expected them to be followed by the expected explanation; but here again we find the noble and learned lord rest satisfied with an assertion, that no such interpretation as had been put upon his statement, ought to have been imputed to him. The noble and learned lord then proceeds to give another opinion, which, considering the source from whence it proceeds, and the subject to which it applies, is not a little extraordinary. The noble and learned lord says, that he can set little value, and that he would pay no respect to the judgment of physicians touching his Majesty's speedy or remote recovery from his actual complaint. Surely he cannot forget that this was not, on a former occasion, the noble lord's conviction. He cannot forget that he himself, in his place in this House, grounded a proposition which he offered to your lordships attention, upon the very report of these physicians, whose opinions are now treated with so much seeming disrespect. The noble lord then had his confident expectations of his Majesty's recovery, because the physicians, who were at the time in attendance upon him, and who had attended him on his former indisposition, saw in his then state all the symptoms of approach towards recovery, and none of the symptoms which indicate the delay of recovery. I am sure I most willingly give the noble and learned lord full credit, that he would not have made these assurances to your lordships, but under the strong impression that he believed them to be true. However irreconcileable with his opinion now, these were his statements then. We, at that period, heard none of these scruples relative to the early recovery, of which, at this time, we hear so much (hear, hear.)

The *Lord Chancellor* rose to order. The noble lord, he trusted, would excuse him for the interruption he was giving him; but in justice to himself he must declare, that he never at any time had held out expectations of his Majesty's early or speedy recovery; but that, on the contrary, he had studiously avoided pledging himself to any specific declaration upon that point.

Earl *Grey* resumed and said, "with every respect, my lords, for the noble lord's assertion, I must still persevere in my statement, which I see no reason whatever to retract, and therefore with confidence appeal for its justice to the recollection of your lordships. It cannot yet have escaped your lordships' memory, that upon the occasion to which I alluded, the noble and learned lord not only founded his proposition of adjournment upon the statement of the Physicians, but, with a view to greater certainty and correctness, actually drew from his pocket a paper containing the express words of the physicians. I beg, then, to ask your lordships, whether it was not in the full confidence of the strong hopes, which these statements conveyed, that the motion for another adjournment as proposed by the noble and learned lord and his colleagues, was acquiesced in by this House. Whence this new light has been imparted, which now leads him to treat with disgrace that authority, which some short time past he so highly valued, I am at a loss to discover.

The noble and learned lord has this night communicated to the House, that, to the best of his judgment, a material amendment has taken place in his Majesty's state of health. Most anxious as I am to hear of the restoration of my sovereign, whether from the agitated feelings of the noble and learned lord, or from his no dishonest bias on this subject, before I can be satisfied, I must have other evidence; most particularly after the experience which this House and the country has had of the value of such testimony on former occasions. This is a part of the noble and learned lord's speech, to which I must beg the particular attention of your lordships; I mean that, in which he has stated, that, to his own knowledge, a very considerable amendment has taken place in his Majesty's health. Upon this point I shall take the liberty to ask the noble lord whether in the course of a short conversation, he could possibly have had an opportunity or the means to form any opinion as to the state of his Majesty's malady, which could be either satisfactory to his own mind, or ought to have any weight with your lordships? I would ask him, whether he has founded his opinion in any degree upon the representations of the physicians, or is borne out by their authority in the statement your lordships have just heard? Has the noble and learned lord, in the course of his interview with his Majesty, touched upon any of those subjects upon which particularly the delusion to which he is unfortunately subject is said to prevail. I am fully aware of the delicacy of touching upon this topic; but it is a duty I owe your lordships to endeavour to prevent this House from being led to entertain false hopes respecting the state of his Majesty's health,—hopes unfounded in fact and resting solely upon partial and unfounded representations. There is nobody who has ever visited any of those places appropriated for the reception of persons labouring under mental infirmity, who does not well know, that in various instances the unhappy individuals preserve every appearance of intellectual sanity, until questioned respecting, or reminded of some topic, upon which the derangement of their faculties particularly prevail. Several cases of that description have even lately been published, and some of them upon high authority, in which no trace of the latent disease could be discovered, until the topic upon which the malady turned happened to be touched on. My object in adverting to these circumstances is to shew to your lordships the necessity of receiving such accounts as have been given by the noble lord with distrust, and of withholding credit from them till they shall be presented to you supported by complete and satisfactory evidence. It is the duty of your lordships to take care that the sceptre of the sovereign, which is to be committed to a Regent, to be used in his name and on his behalf, shall not be withdrawn from that Regent until his Majesty's happy recovery shall enable him to wield it himself, for the good of his people, and keep it from falling into other hands, by which it has, in other instances, been assumed and exercised. I trust, therefore, that when we shall come to that part of the Bill which is to provide for the resumption of the royal authority, your lordships will take particular care upon this point, as you must feel it to be your indubitable duty to do. I hope you will consider it right and indispensably necessary not to suffer any person to be included in the council which will have to report upon his Majesty's recovery, who has in former instances suffered his Majesty's name to be used in public acts, at a time when, according to what has lately transpired, his Majesty was incapable of expressing his pleasure respecting them. At the same time that you must feel it to be your duty to provide for the full and perfect resumption of his authority, by his Majesty, you are no less bound to take care that his recovery must be complete before such resumption of his power shall take place.

With respect to the conduct of the noble and learned lord on those former occasions to which I have alluded, that noble lord has asserted his ability to defend himself; adding at the same time that though he should not invite the investigation, he was yet not inclined to shrink from it. But this assertion is nothing but a vain boast on the part of the noble lord; for unquestionably, if the matter were brought forward, the noble lord would not, because he could not, be able to shrink from it. Notwithstanding what has fallen from the noble and learned lord, I still adhere to my former statement; and feel it my duty here more explicitly to put your lordships in possession of the cases to which I have before alluded. It is now in evidence before your lordships, that, as well in the year 1801 as 1804, the King's name had been used to public acts, and the royal authority exercised at a time when, according to the evidence, his Majesty was personally incapable of exercising his royal functions. His Majesty's malady began about the 12th of February, 1801, and continued without remission till the beginning of March. Your lordships will recollect, that councils had been held and members sworn in, during that interval. The foreign relations of the country, too, had undergone a material change in that period. Sweden, which had been our ally, assumed a hostile aspect and acceded to the northern confederacy; and even considerable expeditions were equipped and sent out. Subsequent to that date, too, about the 17th of March, another council was held, and members sworn of it. Here I must beg the attention of your lordships to the circumstance, that about the 14th or 15th of June following, even after he had been declared to be fully recovered, his Majesty had a relapse, which, though it did not last long, required the aid of attendance. All this took place in 1801.

In 1804 I was a member of the other House, and from the anxiety felt by the public upon the subject, considered it my duty to put a question to the noble viscount on the cross bench (Sidmouth) then a member of the other House, respecting the state of his Majesty's health; and though my noble friend at first endeavoured to shift and evade the question, upon being pressed he ended with saying, that there was no necessary suspension of the royal functions. To a similar question put in this House, the noble lord upon the wool-sack returned a similar declaration. (No! no!) Certainly the noble earl opposite (lord Liverpool) had made such a declaration, and that was afterwards confirmed by the noble lord on the wool-sack, in this House. Now, by referring to the evidence of Dr. Heberden, your lordship will find, that at that very period his Majesty had been ill, and continued in that state from the 12th of Feb. 1804, to the 23rd of April following, when I believe he presided at a council, a circumstance which most probably was considered as sufficient proof that his Majesty was well enough to resume his royal authority. Within that interval, viz. on the 9th of March, a commission was issued under his Majesty's great seal, for giving the royal assent to fifteen different bills which had passed the two Houses. But still more, the noble and learned lord had on the 5th of March, an interview with his Majesty, in consequence of which he felt himself warranted in declaring to your lordships, that his Majesty's intellects were sound and unimpaired. But will this House consider a hasty opinion, formed during such an interview, which may have taken place at a lucid interval, sufficient to outweigh the evidence upon oath of physicians regularly and constantly in attendance? Will you not on the contrary be convinced that it would be a direct breach of the constitution for the highest officer in his Majesty's service to venture under such circumstances, even during a lucid interval, to take his Majesty's pleasure upon high matters of state? I will put it even to the noble and learned lord himself, whether, in the case of a private individual who should have continued from the 12th of Feb. to the 23rd of April, in a state of lunacy, and might within that period have been induced by an attorney to make a will, that noble lord would consider such will valid? If the transaction should subsequently be submitted to the Court of Chancery, what would be the feelings of the Court, what its just reprobation of the conduct of the attorney? No court in Westminster-hall, I will venture to assert, would give countenance to such a proceeding: and yet your Lordships have in evidence before you, that, whilst his Majesty was thus incapable, his royal name has been abused, and his sovereign authority exercised; and that at a time when the noble lord opposite had ventured to assert, and the noble lord upon the wool-sack to back the assertion, that there was no necessary suspension of the royal functions.

The charge therefore, which I have to make upon the noble lords before your lordships, and in the face of the country, is this, that they have culpably made use of the King's name without the King's sanction, and criminally exercised the royal functions, when the sovereign was labouring under a moral incapacity to authorise such a proceeding; and with such a transaction in your view, I will ask your lordships whether you will suffer this Bill to pass without making effectual provision to prevent the recurrence of similar circumstances; whether if you shall omit to make such provision, you will perform your duty to the public, whose interests you are bound solemnly to secure and to protect? In the evidence of Dr. Reynolds, it appears, that when the King removed to Kew, in 1804, he had himself ceased to attend him, and for this reason, that it would have a better appearance to the public. It was also apparent, from the evidence, that his Majesty was then and continued to be in such a state as to require medical attendance till October. I am prepared also to assert, and challenge the noble lord to deny the fact, that Dr. Simmons and his attendants had not only been in attendance but exercised controul over his Majesty until the 10th of June. For my own part I shall never consent to suffer a Lord Chancellor, a Lord Keeper, or any man, or set of men, however great or distinguished, to possess himself or themselves of the royal authority, under such circumstances, and exercise the functions of the sovereign: neither shall I take the statement of any man however exalted, as to the competence of his Majesty to the personal exercise of his functions, without other sufficient and satisfactory proof of his perfect re-establishment. I am sorry to trouble your lordships at this length upon this delicate subject, but I was anxious to state my sentiments upon the question as soon after the noble and learned lord as possible. The conduct of that noble lord on the occasions to which I have called your lordships' attention, seems to me so extraordinary and inexplicable, as to require some provision to prevent a repetition of it,—a provision which will be most appropriately an object of our attention, when we shall come to the clause for securing the resumption of his royal power by his Majesty.

With regard to the restrictions of the royal prerogatives in the hands of the Regent, the noble viscount on the cross bench, (Sidmouth) has as well this night as on a former occasion, asked, "what in the name of God, is the danger that could result from restricting the prerogatives proposed to be limited for the short period of one year, when during the four last years, only one peer had been created?" As to the actual exercise of the prerogative during that period, I cannot take upon myself to say, whether during that time no more than one peer had been created; but I am perfectly ready to admit that the power has not been abused. Whether this has arisen from the state of the peerage, or the discretion and forbearance of ministers, or from the conviction of his Majesty that a different policy from that which had been observed in former periods of his reign respecting the augmentation of the peerage was necessary, is immaterial now to enquire. The fact I admit to be, that of late that branch of the royal prerogative has not been abused. But I must here protest against that line of argument which goes to say, that because a prerogative is not necessarily kept in a state of activity, it should therefore be suspended. This prerogative, like all other prerogatives, was given to the crown for the benefit of the people; and whilst it can be exercised for that object, ought not to be separated from the person performing the royal functions. The Regent will have precisely the same duties to perform as the King, and your lordships cannot therefore refuse to invest him with the same powers, without doing an injury to the monarch and to the constitution.

But if this species of argument were once to be admitted, I beg your lordships to consider what might be the effect of it. The same reasoning that would thus go to deprive the Regent of the power of creating peers, would be equally effectual, to stop all naval and military promotions, all grants and charters, all honours and distinctions, from the high and exalted order of the garter to the lowest mark of the sovereign's favour, until the resumption of his royal functions by the King. In fact, why may not this line of argument apply to deprive the Regent of that brightest jewel of the royal station—mercy? Why might it not apply to take from the crown that amiable attribute by which the severity of the other prerogatives is alloyed and tempered. By the force of such an argument you might strip the crown of its brightest jewel, its most endearing quality,—you might bereave the necessary exercise of the more coercive executive powers of the mitigating influence of that amiable prerogative of mercy, which in its application confers a grace and lustre upon the acts of the sovereign. Upon this principle of reasoning, you might prove all the prerogatives of the crown unnecessary, and consequently proper to be suspended.

But it has been said, that the power of raising to the peerage might be abused to such an extent as to embarrass the legitimate government of the Regent, and impede the resumption of his power by his Majesty. To this it need only be answered, that there could be no apprehension that this power of the peerage would ever be used to such an extent as either to interfere with the resumption of the royal authority, or to embarrass any future government. The objection, therefore, is absurd, in the present state of the peerage, that rests upon any such apprehension of abuse; but if the power should be abused, the constitutional check is to be found in the two Houses of Parliament:

yet it should not be forgotten, that this power might be abused by a King as well as by a Regent. Towards the close of a long reign, a sovereign might possibly feel himself in a situation so much under the influence of a particular minister—so much in awe and in the controul of him; as to be induced to exercise this power to such an extent as to distress and embarrass the government of his successor. The argument, therefore, derived from the abuse of the power, would apply equally in both cases. It is no less strong as applied to the King, than as applied to the Regent; and if a restriction be necessary, it would be as necessary in one case as in the other. I shall, however, take upon me to assert generally, that these restrictions upon the Regent are contrary to all the practice of the constitution, and to every principle upon which it is founded: but this subject has been so fully and ably discussed in another place by a learned friend of mine, (Mr. Leach) who has given his labours and the result of his research to the public, that it is unnecessary for me to dwell upon the consideration of it on this occasion. I shall nevertheless refer your lordships to the Appendix to the Life of Walpole, by Coxe, for the authority of Lord Chancellor Cowper upon the subject of restrictions upon the Prince of Wales, as Regent. In that work will be found a letter written to lord Townshend, Secretary of State, at Hanover, with his sovereign, George I. on the subject of appointing the Prince of Wales Regent, in which the opinion of the Lord Chancellor is stated, that there was no instance in the history of this country, in which a Prince of Wales had been appointed Regent with any restrictions.

Upon all these considerations, therefore, I shall feel it my duty to give a decided negative to any restrictions. But as my noble friend (lord Grenville) has moved an amendment to shorten the duration of these restrictions, I must in consistency with my own principles support that amendment. If it be unfit that the prerogatives should be suspended at all, it is *à fortiori*, upon the same principle desirable that they should be suspended but for as short a period as possible. I shall concur, therefore, in the amendment of my noble friend, as well for this reason as for the reasons so strongly urged by him, and which have not received any answer whatever in the course of this discussion.

As to the probability of the King's recovery, I must say, that I am not inclined to be very sanguine. The evidence of the physicians, but particularly of Dr. Willis, I contend, is clear to this point, that if his Majesty's illness should last in this instance longer than in any former case, there would be much less prospect of recovery. Your lordships must recollect, that when on a former occasion the noble Lord on the woolsack gave us reason to expect the perfect restoration of his Majesty at no very distant period, within three or four days after that statement his Majesty had suffered a relapse, which actually endangered his life. But without pursuing this point further, it is only necessary for me to state, that Dr. Willis has said, that if the disease were to be protracted the recovery would be less probable than formerly.

But it was not alone the physicians that in my opinion ought to have been examined. Other persons, who are acquainted with the circumstances of his Majesty's malady, and the melancholy recurrence of it on former occasions, ought also to have been examined, as they could supply important and highly useful information upon the subject. This was the more necessary, as we now know that ministers had then concealed, and would, if they could, have continued to conceal, the state of his Majesty's complaint. I am therefore, now comparatively less sanguine as to the recovery of his Majesty. But in performing this duty which I owe towards my fellow subjects, I am not to be represented as deficient towards my sovereign, whose private virtues fully intitle him to the affection and attachment of all his subjects. I am most unequivocally of opinion that all those prerogatives which are necessary for supporting the dignity of the crown, ought to be given to the Regent. The noble and learned lord seems to think that the name of his Majesty is alone sufficient to justify all the measures of his government. But for myself, whilst I give his Majesty credit for all his virtues, I have always considered the measures of his government as the measures of his ministers. His Majesty's personal virtues and paternal care of his people are his own; but the responsibility for the measures of his government belongs to his ministers. Whilst I owe allegiance to my sovereign as a King, I owe him at the same time the tribute of unfeigned and unbounded respect, as a man, whose private virtues have ever been an honour to the crown and the ornament of the nation;

and when the noble and learned lord asks us, what his Majesty had done during the last twenty two years of his life, that a different conduct should be adopted with regard to him at the end of that period from that adopted at the beginning of it, I will ask him in return, whether the nation is now in the same situation in which it was at that period—whether the vessel of the state, after having been so long and so perilously tossed about amongst the shoals and quick-sands, which have been fatal to so many other states, has at length gained the harbour in security—and whether the noble lord, after conducting it safe into port, can at last exclaim

> ———Me tabula sacer
> Votivâ paries indicat uvida
> Suspendisse potenti,
> Vestimenta maris Deo.

The contrast, my Lords, between the situation of the empire at this moment and at the period of 1788 is really alarming. We must not disguise the fact. It is not by shutting our eyes to the dangers and difficulties which beset us on every side, that we can ever hope to surmount them. We must look them in the face with firmness, and determine to rescue ourselves from the vortex which is open for our destruction, not by a perseverance in those weak and ruinous measures, which have brought us into our present calamitious condition, but by a radical change of policy, and the adoption of such a system of conduct, as without diminishing our necessary efforts for the present, may by husbanding our means and resources enable us to meet all the exigencies of an expensive and protracted warfare. My Lords, in 1788 this country was in the most flourishing condition, in the highest state of internal and external prosperity. What is the case now, my Lords? Is not our commerce crippled, our trade stagnated, our domestic security menaced, our foreign connections utterly annihilated, or what is nearly as bad, an overwhelming burthen in this period of our tribulation—and what is still more formidable, is not the whole of Europe combined against us, and directed by an unity of force and an ability of conduct, which have never been exceeded?—When your lordships see all this, is it possible that you can conceive, the same measures, which proved adequate in 1788, likely to possess the same efficiency in the present instance? I beg pardon, my lords, for the length of time during which I have trespassed upon your attention; but as I had not on former occasions an opportunity of stating my opinions on the different branches of the question, I was anxious to explain myself now, on that account, more fully than I should otherwise have ventured to do. I conclude, my Lords, by repeating that it is my intention to vote for the Amendment of my noble friend.

The Earl of *Liverpool* said, that before he had heard the speech of the noble earl (Grey) who had just sat down, he did not think it would have been necessary for him to have addressed their lordships. After the plain and candid statement of the noble and learned lord (Eldon), and the unanswerable arguments of the noble viscount (Sidmouth) on the cross bench, he had conceived that he would not have been called on to claim any portion of the attention of the House. But he felt it his duty to oppose every argument which had been advanced by the noble earl who had last sat down.—That noble earl had stated, that he thought it necessary to rise, in consequence of what had fallen from the noble lord on the Woolsack—and, in the course of his speech, he had addressed his observations frequently to that noble and learned lord, renewing a charge, which he had in a former debate urged against him. But if there was any foundation whatever for such a charge, it was not to be confined to his noble and learned friend; it must equally affect all those who were his colleagues in office. He would tell that noble earl, and he would tell the House, that there was no one act done by his noble and learned friend, at the periods alluded to either in 1801 or 1804 for which he (Lord L.) and all who were in the cabinet with him at that time, were not equally responsible. He had sufficient grounds for distinctly declaring, that at that period his Majesty was not called on to execute a single act of Royal Authority, until it was fully ascertained that he was competent to the discharge of the regal functions; and he denied that any mystery had been made of his Majesty's indisposition, which was as well known to the public as to the members of government. But he felt himself particularly called upon to rise on this occasion, because the noble earl had thought proper to refer to a statement made formerly by him in his place to their lordships, to the correctness of his representation of which, though not in the express terms used, he readily assented. It was he (the Earl of Liverpool) in their lordships' House, and a noble friend of his (lord Sidmouth) then a member of the other House of Parliament, who when questioned upon the subject declared, in their places, that "there was no necessary suspension of the royal authority." He knew the grounds on which they made that representation—he knew that they were fully sufficient to justify that declaration; and, no act was done until his Majesty's assent had been obtained.

The argument of the noble earl, he would contend, if pushed to the full extent to which it might be carried, would go to this, that in the shortest period of his Majesty's illness it would be necessary for ministers to come down to the House, and propose that a Regency should be appointed. But what has been the practice of parliament at all times? Had it not been the uniform course to allow a time for the probability of recovery? Was not that the mode pursued in 1788-9 by Mr. Pitt? Had it not also been adopted by that House, and been countenanced by the concurrent opinion of the other House of Parliament? Was not such a line of proceeding proper, too, for the prevention of similar measures to that which they were now unfortunately called on to adopt? Was not such a proceeding deemed necessary by their lordships on the 30th of last November, that they might see if such a measure should ultimately be necessary? He was aware that the disorder with which his Majesty was now afflicted, was one the most calamitous that could be conceived. He knew, however, that there were persons who wished to represent another calamity, with which his Majesty had for some time been afflicted, namely, the loss of sight, as one reason why he could not be conceived adequate to the discharge of his regal functions. On this subject, however, he had the very best evidence he could desire, namely, that of the noble lords on the other side, themselves, during the thirteen months they were in the service of his Majesty. He knew what was their opinion on this subject, when they came into power; he knew what was their opinion on the subject while they continued in power; and he knew what was their opinion on the same subject, at the time they were dismissed from power. They knew that his Majesty, during the time they were in office, laboured under that infirmity; but they never called for any interference of Parliament on the subject. So far from doing so, they went on as if there was no existing infirmity, and so would any administration, so long as they could do so consistently with the good of the country. All that he and his colleagues had done had resulted from an anxious wish to preserve the country and the constitution. And of this he was sure, that no person could contemplate what had passed on the present occasion, and not be convinced that such measures should not be resorted to, if they could be at all avoided.

As to the question then before the House, he should content himself with saying a very few words. The point to be considered was not how far the prerogative ought to be granted, but how far it was necessary to be granted. Noble lords on the other side asked, why did not the restrictions extend to the army and the navy? His answer was, the safety of the country required that they should not. But were the prerogatives now sought to be withheld, necessary for the temporary power of the Regent, or for the resumption of it by the sovereign? On the question of time, he should say nothing, as that had been sufficiently spoken to by his noble friend on the cross bench. It was now clear that the disorder under which his Majesty laboured, was to be judged of, not by its duration, but by its symptoms. All the relapses his Majesty had experienced, were of different durations; the most probable endurance of the present affliction was to be calculated at from 12 to 18 months, and the medium was the criterion rather to be looked to. As to the inconvenience of the restriction, he could not see how this could be affected by its terminating in August, rather than in February; and, surely, the period of its endurance must be a matter of less consideration with those who thought the restriction itself necessary. As to the period at which the present question was debated, he should not enter at length on what had been said on that subject. Noble lords on that side of the House had confined what they had said to the personal character of the sovereign, and had not extended their remarks to the political measures of his Majesty's reign. The noble earl on the other side, however, had turned his observations to a contrast between the present time, and the situation of affairs, in the year 1788. He was not afraid to meet the noble earl on this subject, and fairly to consider the contrast. He was not afraid of considering it in every point of view; of sifting it to the bottom; and of taking it in every bearing the question would admit of. What was our navy then; what is it now?—What was our army then; what is it now?—What was the state of our finances then; what is it now?—What were our trade and commerce then; what are they now? He did know, that by a Providence, for which no man could account, and which no power could controul, there had arisen a colossal power which had swallowed up within itself almost the whole of the other powers on the continent. But if this power had so exalted itself, was it not also known even to that power itself, that Great Britain alone was capable of standing forward and resisting all her efforts? That she was able to provide for herself; and that she was in this proud situation, that every man not born an Englishman panted to be one. The greater, therefore, the power of that mighty state was, the greater was the power of this country in being able to withstand her; and to the virtues of our sovereign were we indebted, in no small degree, that such was now our situation.

His Royal Highness the Duke of KENT said it was not his intention to trespass on the time of their lordships. He rose simply with the view of stating, in a few words, the ground of the vote he should give to-night. He objected to any restriction whatever; but as a choice between a greater and a lesser evil, he must prefer that those restrictions, of which he totally disapproved, should exist for six, rather than for twelve months. His only wish in rising was, that he might preserve a proper degree of consistency.

Viscount *Sidmouth* begged leave to advert to what had fallen from the noble earl (Grey), as to the conduct of the government in the years 1801 and 1804; and he must affirm, in the presence of their lordships, and of the country, that there was not one act to which he was a party, nor one word he had uttered on that occasion, which he was not now ready to avow, and, when called on, to vindicate. He did not wish to narrow his responsibility to any acts of his own individually, but to claim his full share along with every one of his colleagues. He should be ashamed were he to shrink from his responsibility, placed in the situation in which he then was by his Majesty. He knew it was not fit now to enter into a minute explanation on the subject; but this he must be allowed to say, that with all respect for the individual giving the evidence, the statements made by him respecting his Majesty's health in the year 1801, excited not only in his mind, but in the minds of other persons, and particularly in the mind of an illustrious person, more peculiarly interested, and more likely to have made observations on the occasion, the utmost degree of surprise and astonishment. But as to the conduct of ministers at that time, there was not one word uttered by them on this subject, that he was not fully prepared to vindicate. As to the statement of Dr. Heberden as to the situation of his Majesty from February to April 1804, the evidence given by him was calculated to convey a different interpretation from that which ministers entertained at the time, from the unanimous opinion of the physicians, of whom he (Dr. Heberden) was one. His lordship did not mean to say, that this proceeded from any thing improper, or that he wished to do wrong; but those who then acted with him (lord Sidmouth) did not think it necessary to overload the report, by introducing into it all the circumstances which induced them, at the time, to come to a different conclusion from that now expressed by Dr. Heberden. They were now, however, and at all times should be ready to enter into it. He could say for himself and his colleagues, that they were ready to justify their conduct in every particular; and for himself, he was ready to answer for all his colleagues, and more particularly for the noble and learned lord.

The Duke of *Gloucester* rose for the purpose of stating in a few words the grounds of the vote he was about to give. He had on a former occasion voted against restrictions altogether, but their lordships had passed a Resolution declaring that there should be restrictions, and to that Resolution the Bill must conform. He had then only to endeavour to make the term of the restrictions as short as possible, and would therefore vote for the Amendment.

The Earl of *Moira* observed, that it was impossible for the noble viscount to take upon himself the whole of the responsibility for the conduct of the administration, under the circumstances which had been alluded to, in the year 1804. Other noble lords must share that responsibility with him, and particularly the noble and learned lord, (lord Eldon) who had been so expressly the subject of the observations which had fallen from his noble friend near him (earl Grey) because his name was to be introduced into the Bill, as one of the Queen's council. What rendered these observations still more necessary was, that his noble friend had given notice of his intention, when their lordships should come to the clause containing the names of the persons to compose the Queen's Council, to object to the name of that noble and learned lord remaining amongst the members of that council. That, however, would be a subsequent question.—As to the present point, he would ask the noble secretary, who made the precedent of 1788 a standard for his conduct, what similitude was there between the circumstances of 1788 and those of the year 1804? Was there any thing in the conduct of Mr. Pitt, at the former period, which had any resemblance to the conduct of ministers in 1804? Had Mr. Pitt attempted to carry on public business in the name of the King when the sovereign was incompetent to discharge the duties of his station? Whether had Mr. Pitt done any thing during the King's illness, except what was absolutely necessary? And even then, whether had he not stated the necessity to parliament, and obtained its concurrence? The noble secretary (Liverpool) however had stated that his conduct and that of his colleagues was guided by a principle entirely opposite. They had rather, they said, take upon themselves the responsibility than apply to parliament. With regard to the transactions in 1804, his noble and learned friend had stated, that he had not taken a single step without the opinion of the physicians in his pocket, that he grounded all his conduct upon their report of his Majesty's state of health. But what said he now? He represented the opinions of physicians as quite inconclusive; and how then could he rest upon that ground for his justification? His lordship admitted, that this question was in this instance premature, but the time would come when his noble and learned friend's plea of merit must undergo a more formal discussion.

With respect to the restrictions, it appeared, that the noble secretary had not thought it necessary to enter into the discussion of the subject, after what he was pleased to represent as the unanswerable arguments of the noble viscount (Sidmouth) on the cross bench. But it was hardly possible to conceive how these arguments could be considered by the noble earl as unanswerable, when they had been so completely answered by his noble friend near him (earl Grey) that not even a vestige of them remained. Had they not the principles of the constitution, had they not the speech of his noble friend against those arguments? a speech so argumentative, so brilliant, and so convincing, that he could not conceive how there could be a moment's doubt entertained. To those who believed, like him, that the prerogatives of royalty were given for the benefit of the country; that these prerogatives had been accurately measured by the necessity, and that they were sitting there as the representatives of the people, it must be clear that the people had a right to the full advantage of the powers of the crown, and that whoever attempted to invade that right, might deceive himself, but could not overturn the principle. The prerogatives of the crown ought to be left in perpetual activity for the benefit and advantage of the people at large; and whoever argued against that established principle of the constitution, proceeded upon a fallacy, by placing the person of the sovereign in counteraction of the political capacity of the King. The great mischief that was likely to arise from this whole proceeding was, that it was establishing a precedent for curtailing the prerogatives of the crown; for if no inconvenience was felt from this proceeding, other experiments might be tried, upon the supposition that they would be equally wholesome. The noble secretary had alluded to the contrast between the present time and the period of 1789, and had drawn a favourable picture of the state of the country. No man thought more highly than he did of the resources of this country, or of its capacity to defend itself against the enemy, if ever this country should become in time the seat of the war. He believed that such a struggle would turn out among the proudest triumphs which England had to boast of. (Hear! hear!) At the same time he must state his opinion, that if an enemy were to land on these shores, he would be defeated not so much by the military organization which he would find in the country as by the energy and spirit of the great mass of its inhabitants. He was convinced that among this mass there would be found many of sufficient courage and enterprize to save their country at every risk; men that were ready to "pluck its drowned honour by the locks," and raise it to victory and triumph. But what would they say to those governors who had exposed their fields to ravage—their houses to plunder—their wives and daughters to violation—themselves, their relations, friends, and fellow citizens to all the calamities with which such an event must be attended? Is it with such men that they would choose to share their triumph? Whatever may be the resources of the country, it was their duty, at present, to use every means to maintain the constitution and the government, that they may either prevent the evil altogether, or be prepared to encounter it with every possible advantage. "It is certain" said his lordship, "that now we are almost shut up in our isle. Our force, naval and military, is indeed large, compared with that of former times. But the force of a country is comparative. Take, then, our present force, and say whether our strength and influence are as great in comparison with the means of our enemies, as they were at former periods of our history? Compare our influence on the continent in 1760, the triumphant period at which his Majesty ascended the throne, with what it is now—and then say whether our comparative situation is improved?"

As to the Amendment he was ready to confess that he was still of the same opinion upon the subject of Restrictions in any shape or to any extent; but agreeing as he did in what had been stated by an illustrious personage (the duke of Kent) that they had only a choice of evils, he was of opinion that they ought to choose the least: although he wished that there should be no Restrictions upon the Regent, yet since they determined otherwise, they ought to be continued for as short a period as possible. He had not the most distant notion that the Prince would improperly exercise the power, though it were placed in his hands. A sense of decency, of duty, and a reverential regard for his father, would form a stronger restraint upon him than any clause they could frame. He held the restrictions to be an unconstitutional check upon the most powerful springs of meritorious exertion—they might prevent the placing on the woolsack an individual the best qualified to sit there, and would operate in a thousand other ways to the disadvantage of the country. Their lordships having, however, resolved that there must be Restrictions, he would vote for the shortest period of their duration.

His lordship then referred to the evidence of the physicians, and remarked, that doctor Willis had stated that they judged of the duration of the malady by its peculiar symptoms, and asked whether the assumption upon which a speedy recovery was expected, had not been overthrown by the subsequent relapse of his Majesty. He concurred, therefore with the noble and learned lord on the Woolsack, though not on his principle, that they were as much at sea as ever, and that they could not assign any precise or particular period for the King's recovery. All, indeed, must anxiously wish for that period; but painful as was the duty they had to discharge, they were the more bound to perform that duty manfully. Before he sat down, he must say a word respecting the statement of the noble lord on the cross bench (Sidmouth). He had stated that neither he nor the noble secretary had thought fit to cross-examine Dr. Heberden, because the evidence with regard to the period of 1804 did not apply to the particular object of the late inquiry. Dr. Heberden, however, had said, that during the interval between the 12th of February and the 23d of April, his Majesty had not completely recovered. His lordship had stated, that on the 9th of April a Cabinet-council had been held—(lord Sidmouth, "No;") his lordship had at any rate mentioned the 9th of April, but when he did so, had he recollected the 9th of March, when his Majesty had signed a commission for passing Bills? The evidence was, that the appearances of indisposition had continued, more or less, up to the 23d of April, and therefore it was clear that till that very day, his Majesty had not been in a situation to sign a commission. His lordship and the noble secretary were present at the Committee, and why had they not cross-examined Dr. Heberden on this subject? He had a right then to assume, till they explained their conduct, (and their lordships, he trusted, would call for the explanation,) that they had not conducted themselves properly. He had a right to this inference, and he hoped their lordships, sitting there as the guardians of the constitution, as the hereditary representatives of the people, would apply their just jealousy to this consideration, whether they would allow the government of the country to continue in their hands, who, to say the least of their conduct, had so loosely managed it on a former occasion.

The *Lord Chancellor* said, that he could not avoid stating his opinion, that it was very unfair for noble lords to select him individually from the whole of the persons who composed the government in 1801 and 1804, and make him the constant object of their attacks. He thought those noble lords should, at the same time, have done him the justice of stating, that the course then adopted was upon the opinion of the administration generally, and not from his individual opinion. He felt pride in stating, that his opinion at that time was supported and strengthened by the unanimous opinion of many great and honourable men, with whom he then acted. He thought that he could satisfy any honourable man, of the propriety of his conduct in 1801 and 1804. In what had passed from January 1801 till the 14th of April, he had no concern whatever as a member of the government. He had then accepted the seals under circumstances when he could have no motive for it but the commands of his Majesty. It was true his Majesty's indisposition had continued after the 14th of April, but he knew of no act done at that time for which his conduct could be called in question.—With regard to what had taken place in 1804, he had only to observe that there were many distinguished and illustrious persons then in the cabinet. Several of those illustrious persons were, at that moment, amongst their lordships, and must preserve a perfect recollection of the proceedings of that period. Amongst others, he observed a noble lord opposite (Lord St Vincent) then first lord of the Admiralty, who had been present at the examination of the Physicians, and had concurred with the rest of the cabinet, in the line of conduct which they had pursued on that occasion. He did not mean to found his claims to innocence upon the eminence of those with whom he had acted, but he affirmed, that they had repeatedly examined the physicians, all of whom had agreed, that on the 9th of March his Majesty was fully competent to do the act which they had advised him to perform. The question then was, whether he, under such circumstances, ought to have acted as he had done, when a most important task remained to be executed, or to have left the country to shift for itself? If he had had the smallest doubt of his Majesty's competency, he would have taken it upon himself to have signed the commission for giving the royal assent, and trusted to an indemnity; or have come to the House and made the declaration which he submitted to their lordships on the first of November. But he had then no doubt, and he asserted, that it was most important to the sovereign that the Chancellor should not depend wholly on the evidence of the physicians, if he himself thought the King perfectly competent to discharge the functions of the royal authority.—If what he had then done was supported by the opinions of all the physicians, it did not follow that he was now guilty of any inconsistency in saying that whatever the report of physicians might be, he would not consent to dethrone his Majesty upon their report merely, if in his judgment and conscience he believed that the King was adequate to the discharge of his royal functions.—He must be permitted to state, that the great man who was then at the head of the administration (Mr. Pitt) had afterwards expressed some surprise, when he found that it had been his fixed resolution never to see his Majesty, at any time, when he could be considered under the controul of others, or in presence of any persons who might be considered as exercising any controul over him. His interviews with his Majesty at that time were always in the absence of such persons, and it was his firm conviction, that he was warranted in the course that was then adopted.—He knew the dangers of this proceeding, but he knew his duty too; and had determined to see his sovereign, and judge of his complaint, when he was as free from restraint as any of his subjects, whom it had been his painful duty to examine under similar circumstances. This was very hazardous to himself—but he had done his duty without being deterred by fear of consequences. His Majesty on the 9th of March understood the duty which he (the Chancellor) had to perform better than he did himself. This he believed he could prove. If he had acted wrong it was with the best intentions, and those would acquit him in the sight of God, if not in the opinion of his country.

Earl *Grey*, in explanation, said, that he had felt it his duty to state his reasons for thinking the provisions in the clause for the resumption of the royal authority did not afford to the country a sufficient assurance of the restoration of his Majesty's health, and capability of discharging his royal functions. It became his bounden duty when he felt that the assurance was not sufficient, to state to the

House why he thought so. If he had distinctly charged the noble and learned lord (the Lord Chancellor) with the transactions of 1804, if he had selected him from among his colleagues, the reason was, that the constitution of this country always selects for responsibility the individual minister who does any particular act. For any act, then, which was directly within the province of the Lord Chancellor, the Lord Chancellor alone was responsible; and it was upon this ground that he had singled him out from the rest of his colleagues upon a question of affixing the great seal. The noble and learned lord it was who had put the great seal to a commission, at a time when his Majesty was incompetent, and for this he was individually responsible. The constitution knew nothing of the committee called a cabinet. Every individual minister was responsible for his own conduct. It was on that account, and not from any personal hostility, that he had accused the noble lord in particular. He had done the act which he blamed, and for that he was constitutionally responsible. He must beg it to be understood, that he did not consider the noble and learned lord's defence at all satisfactory. He had no doubt of the innocence of the noble lord's intentions; but the question was, whether he had been guilty of a violation of the constitution? If ever the time should come when it might be thought necessary to call the serious attention of the House to the conduct of the noble and learned lord, the House must determine simply on the propriety of his conduct, and not upon the purity of his intentions, or the coincidence of other people with his opinions. As to the statement of the noble and learned lord about his never visiting his Majesty in the presence of persons under whose controul he might be supposed to be, he should only observe that it was not the removal of the persons appointed to controul his Majesty from the room in which he saw his Chancellor; it was not their removal from an anti-chamber that would justify a minister in acting as the noble and learned lord had done. The absence of all idea of controul from his mind was necessary before the Chancellor could have in his name exercised the royal authority, and adopted a line of conduct, which in this case, he could consider as nothing less than usurpation. It appeared from the evidence that from the 12th of February up to the 23d of April, and even so late as the 10th of June in that year, his Majesty had been attended by Dr. Simmons and his servants, who did exercise a controul over the mind of his Majesty. He did not mean to say that this controul was constantly exerted, or that those persons were present when the Sovereign was visited by the noble and learned lord, but there was a knowledge in the King's mind that those persons were in attendance, and could be brought forward to controul him whenever it might be judged necessary. If such had been the circumstances in a former case he should now call upon their lordships as peers of the realm, as hereditary guardians of the Constitution, and of the liberties of the people, not to suffer this usurpation to pass without taking effectual measures to prevent the recurrence of such conduct in future. On the 7th of May, 1804, at the time his Majesty was thus under controul, the union of the two great political rivals (Mr. Fox and Mr. Pitt) had been in contemplation, but had been prevented. This too was a subject for serious consideration. The noble and learned lord seemed well aware of the efficiency of appealing to the shade of Mr. Pitt; but the circumstances of the present times were totally different from those of 1788. Whatever might be his original opinions of the principle of the present Bill, his wish was now to render it as unobjectionable as it was possible to do, and he should therefore feel it his duty to vote for the Amendment of his noble friend.

The *Lord Chancellor* said, if noble lords opposite merely thought that he was responsible for his conduct in 1804, they had a right to state that opinion; but if they declared that he actually was so responsible, there was no term which could be used in a society of gentlemen, of which he would not avail himself to contradict such a statement.

The House then divided on the Amendment, when the numbers were:—

Contents	Present............	84	
	Proxies............	38	
			—122
Non-Contents	Present............	88	
	Proxies............	51	
			—139

Majority against the Amendment... 17

A second division took place on the original Clause, when the numbers were—

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	Proxies............	51	
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Non-Contents { Present........... 86
{ Proxies........... 38 —124
Majority in favour of the Clause as it originally stood........... 15

On our re-admission, The Earl of *Clancarty* was on his legs, moving certain clauses for apportioning the Household, and placing it under the controul of the Regent.

The Earl of *Liverpool* stated it to be his intention to vote against the proposed clauses, and subsequently to move, as an Amendment, the omission of the words inserted by the Committee on the motion of the noble marquis opposite (Lansdowne.)

The Marquis of *Lansdowne* made a few observations on the Household arrangements; after which the clauses proposed to be introduced were put and negatived.

The Earl of *Liverpool* said, as they were now on the Household clause, he should move an Amendment, to leave out the words inserted by the Committee.

The Marquis of *Downshire* rose and observed, that the state of Ireland, and the necessity that existed there of a firm and vigorous government, was a sufficient ground with him to oppose any Restrictions on the Regent, under the present circumstances of the empire. The security which was enjoyed in this country, was not equally shared by the sister country, where there was no legislative assembly, and where the same political opportunities and advantages did not exist.

Lord *Boringdon* was for rescinding the original clause as it had come from the Commons. He thought, however, the proposition of the noble marquis went to impose an ungracious task, and throw an unmerited odium on the Prince, in fixing on any particular period for again discussing the subject before them, and that, too, in the most invidious manner. He was of opinion, it would be more becoming to make a suitable provision for the King immediately. Wishing to give his noble friend time to reflect on it, he would not press this matter at present.

The Earl of *Moira* thought the best mode of proceeding that could be adopted with regard to the Household, would be to suspend all appointments in it, in the hope of his Majesty's speedy recovery. He was sure there was nothing farther from the wish or inclination of the illustrious personage who was to be appointed Regent, than any desire to make alterations in that department; and he, (lord M.) could not, therefore, but consider the present mode of proceeding as the most ungracious and invidious that could well be conceived.

The Marquis of *Lansdowne* said, that at that late hour of the evening he would not attempt to trespass at any length on their Lordships time, but could not avoid offering a few observations on the attempt of the noble lord to restore the clause to its original form after the Amendment, which he had the honour to propose, and which had been agreed to in the Commons. The noble marquis then took a view of the situation of the Household and the several great officers belonging to it, and pointed out how far some of them tended to the splendour and dignity of the royal authority, and how far they were particularly appropriate and necessary for the purposes of comfort and consolation to his Majesty, whenever it might please divine Providence to restore his Majesty to his reason. Those particular officers who were essential to the splendour and dignity of the royal authority, he thought ought to be under the immediate controul of his royal highness the Prince of Wales, who was as Regent expected to enter upon and effectually discharge all the functions of the royal authority. Those officers who were, or had been more immediately about the person of the King, he thought should be left under the controul of the Queen. He adverted to the three establishments to which his Majesty might be removed, according as the opinions of the physicians might predominate as to which might be most conducive to his Majesty's health and the greater probability of his recovery. Those three establishments were, Windsor, the Queen's House, and Kew; and at which of those places soever it might be deemed necessary for the King to remain, he thought the most ample powers should be invested in the Queen to render his Majesty's situation the most comfortable and consolatory. For this purpose he proposed a separation of some of the great officers of State; part to remain with the Regent and part with the Queen; and among those he deemed it a most important circumstance that the Groom of the Stole should remain about the person of the King, and should consequently be attached to that part of the Household which was to remain under the controul of the Queen. He contended, that let this be settled and determined as it might, it would be highly necessary that such a controul should reside in the Board of Treasury as would enable it to investigate all the accounts of every department of the Household. He insisted that the original clause, in the powers given to the Queen, was altogether inadequate to the purposes for which it was framed, and on these grounds he considered it as an imperious duty on him to resist the motion.

The Earl of *Liverpool* did not think that the objection made by the noble marquis to the regulation of the Household could be fairly drawn from the points in which it differed from the plan proposed by the Bill of 1789. At that period the restrictions over the Household were unlimited, and those respecting the power of creating peers were to have continued for three years: therefore, whatever objections might have existed at that time against the regulation of the Household then proposed, could not be brought to bear against the plan now before their lordships, because such objections were not so much against the Restrictions, as to the restricting without any limitation whatever, a principle upon which none of the objections to the present plan could rest: indeed, it would be found that in every other respect the plan proposed in 1789 for the regulation of the Household, met with but inconsiderable opposition; the main objection being, not to the principle of the measure, but to the unlimited period of its operation; that being the case, it followed that the thing most desirable was to make the plan, with the exception of the unlimited time, as like the one in 1789 as possible, and to leave the Household, as nearly as possible, in the same state in which it was intended by the Bill of 1789 to have been left.—With respect to the apprehensions thrown out by the noble marquis, of the want of due controul in the Treasury to regulate or correct the excessive expenditure of the civil list, he did not think those apprehensions well grounded. He believed, for his part, that there was virtually a controul in the Treasury, which would be found competent to prevent any such abuses. He believed that the Lords of the Treasury were in the habit of receiving quarterly estimates of the Civil List expenditure, and that it was not unusual for the Treasury to object passing the accounts, in case they deemed the expenditure to be wanton or excessive. Before he sat down, he must advert to one objection, which he admitted to be not without its force, he meant that respecting the vesting no adequate controul in the Queen over that part of the Household committed to her. He confessed that he should have preferred the clause as it stood in the Bill of 1789; but as their lordships had decided otherwise, he chose the present plan as the next best to that which vested the whole controul of the Household in the Queen, which he acknowledged he should rather do. He concluded, by repeating his opinion as to the existence of a virtual controul in the Lords of the Treasury over the expenditure of the Household.

Lord *Grenville* said, that he had no hesitation in affirming it as his decided conviction, that of all the plans that human ingenuity could have devised to meet the present exigencies, the one then before their lordships, was the very worst—defective in the principles by which it professed to be governed—injurious in its details to those feelings which it affected to consult—weakening that authority, the defect of which it was meant to supply—unnecessarily controuling the Regent, and giving the government into the hands of a set of irresponsible subjects, without any controul whatever. To these, or any of them, he never could give his consent—he never could consent to vest the virtual powers of the executive—the actual government of the country, without any responsibility, in any class of his fellow subjects, however respectable they might be. The noble earl had compared the present clause with that in the Bill of 1789, but the comparison had proved, that though there might be some apology for that of 1789, there could be none at all for the one now before their lordships. He begged of their lordships, before they gave their vote, to consider, and it well deserved consideration, in what a situation this clause must place every part of the royal family; from the Sovereign it took away all the ordinary securities for faithful and assiduous attention, and for the securing to his Majesty every possible convenience and accomodation—from the Regent, it took away every kind of controul over every officer of the Household, unless indeed, the two left to him were excepted, an exception which shewed more like mockery than a serious wish to leave to the Regent even a small portion of controul in a department so necessary to the dignity of the high station they had invited him to fill. But even this, objectionable as it undoubtedly was, would have appeared to him much less objectionable, if the controul that had been taken from the Regent, had been transferred to the Queen, believing, as he did, in the spirit of that equal and profound respect for every branch of the royal family, that the power taken from the Regent, and transferred, would be substantially and effectually exercised by her Majesty, in trust for the Prince; and that whatever was vested in the Regent, would, with respect to her Majesty, be exercised with a corresponding confidence and accommodation—and that both would be equally solicitous to act up to the trust reposed in them, considering themselves as trustees and trustees only. But how did the plan now before their lordships go to enable those illustrious personages to discharge their high trust? Was it by depriving them of all the means of enforcing the discharge of it? It placed the whole efficient power under four great officers: they had the controul denied altogether to the Regent and the Queen—they had no controul from the highest lord in the Household, down to the lowest menial—there was not a page of the house, or a groom of the stable which they had the power of removing, however grossly they might violate or neglect their respective duties. And where, then, was power of controul of any kind vested? with a set of individuals, in whom, however much he might personally respect them, he could not, as subjects not responsible, consent to lodge uncontroulable power. No one felt more personal respect for the noble lords than he did—with one of them he had lived long in habits of private friendship, a friendship which no political difference had ever yet been permitted to disturb; to another of the noble lords, he had the honour to be related; and for a third, he felt unfeigned respect; but no considerations of that nature should be allowed to interfere with a question of this kind. The controul of the Household should be in its fit place—it ought not to be usurped by any number of the King's subjects; if it could be left, with convenience, to repose in the King—why there let it remain: but if it was indispensably necessary to transfer it for a time to a Regent, let that Regent have it, and have it in such a manner as that he could exercise it; or, if it was thought adviseable to divide that influence with the Queen, let the controul go along with the trust, and render it effective. The noble earl had told them that there was vested in the Lords of the Treasury a power to correct and controul the expenditure of the civil list. The noble lord's information on this head did not appear to be as accurate as might have been expected from his experience. The fact was, that no controul whatever was vested by this Bill in the Lords of the Treasury over the expenditure of the Household. They might disapprove of the unnecessary or excessive expenditure of any one quarter, but they could not refuse to pay the demands made on them by the great officers under the provisions of the Bill as it now stood. It might be asked, how would he have contrived at a former period, when in office, to resist any such demands? there was no analogy, because in that case he had the support of a gracious master; but where, under the present provisions of this Bill, was there any such power to interpose and determine between the two departments, the Treasury and the Household. In that case, the King could decide in the last resort between the Lord Chamberlain and the Lords of the Treasury; whereas here there was no such or no similar interference required, or indeed admitted of. How then, he asked, was the due observance to be enforced upon either side of those duties which belonged to both? Were the demand ten fold, or an hundred fold greater than appeared right to the Lords of the Treasury, still there was no remedy—the law compelled them to pay it. He knew what he was saying—he knew himself to be correct—he would stake his credit upon it—if any noble lord doubted it, he could produce the law and read it. He was clear that he could not be contradicted. Nay, if the Lords of the Household chose to be extravagant, they not only could not be controuled, but their extravagance might have the consequence of stopping the payment of our Ambassadors, of even the Judges and not the Judges only, but the royal family. The noble lord concluded by expressing his determination, before their lordships rose, of proposing the Clause as it originally stood in 1789, and then, said his lordship, I shall see who will oppose it, and hear, I hope, the grounds of their opposition.

Strangers were then excluded, and their lordships divided—

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Majority for the earl of Liverpool's Amendment, ... 3

Proxies were not taken.

During the time strangers were excluded we understand their lordships divided on an Amendment proposed by the earl of Clancarty, That the Clause appointing her Majesty's Council should stand in the same state as it came up in the Bill from the other House; and there appeared—

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Proxies	38	
		—125

Which left the Ministers in a Minority of 5 as to the noble lords present; and gave them a Majority of 13 of those noble lords absent; and on the whole they obtained a Majority of 8.

Upon our re-admission we found lord Grenville upon his legs, adverting to a Clause in the Bill of 1789, which had been studiously omitted in the present Bill. Ministers had copied every clause in the former Bill which could contribute to their own powers, but had omitted what was absolutely necessary for the purposes of due economy and controul. The clause to which he alluded in the Bill of 1789 went to prevent the expenditure of the Household in any one quarter from exceeding, by 3,000*l.* the expenditure of the corresponding quarter in the preceding year. In the present Bill that clause was omitted, and there was no controul whatever in the expenditure of the Household. He therefore moved a clause, enacting, That the expenditure of any one quarter should not exceed by more than 3,000*l.* that of the corresponding quarter in 1810, and that the expenditure of the whole year should not exceed that of the year ending the 5th January 1811.

The Earl of *Liverpool* opposed the clause, and contended that the treasury would have a sufficient controul over the expenditure.

Lord *Grenville* denied the power of the Treasury to controul the expenditure of the royal Household, and observed that the King alone could interpose between an economical Treasury and an expensive Chamberlain.

The House then divided on the question that the Clause be inserted in the Bill—

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being a Majority of four of the Lords present in favour of the clause. Proxies were then called on the part of the ministerial minority, and there were found to be of Proxies—

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Making the whole numbers—

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Majority against the clause	—8

On being re-admitted we found

Lord *Grenville* speaking upon the Clause for appointing the Queen's Council. He lamented it as a misfortune, that during the whole course of the present ministry no attention was paid to the interests of Ireland. It was remarkable to observe how, even in the present case, their total neglect of that country manifested itself. They had appointed, and rightly appointed, the two Primates of England on the Council, but it never seemed to occur to them, that there was a Primate in Ireland also, whose rank and abilities justly entitled him to the distinction of a similar appointment. He concluded with moving, That the name of the Archbishop of Armagh should be inserted after that of the Archbishop of York.

The Earl of *Liverpool* said, he could not hear such an assertion made, as that which had just fallen from the noble lord, stating, that the present Ministry had neglected Ireland, without giving it a direct contradiction. With respect to the motion itself, he should certainly oppose it, not from any disrespect to the great character or high situation of the Primate of Ireland, but because of the distance to which he was necessarily removed from the seat of government. Their lordships must know that he was obliged to reside in Ireland, and must perceive in that very circumstance a conclusive objection to the proposition now before them.

The motion was negatived without a division.

Earl *Stanhope* thought that the clause respecting the Queen's Council was the most important in the whole Bill, and declared himself unwilling that his Majesty should be placed in the hands of his worst enemies, the present ministers. He would test the noble lord on the Woolsack—he would test him by a motion before he sat down, that he might know whether he was pure gold, or only gilt silver. He then moved, That the name of John Duke of Bedford should be inserted. Upon which the House divided:

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Majority against the Amendment	—18

Lord *King* said, it gave him pain to object personally to any noble lord, particularly to so distinguished a person as the learned lord who presided in that House; that he was actuated by no personal hostility, but by a sense of public duty, to move to omit the name of John lord Eldon from the important trust of the Queen's Council. The noble and learned lord had been repeatedly charged in the course of these debates with a violation of his duty as Lord Chancellor in the year 1804. Under these circumstances, he should consider it as a great neglect of his duty to agree to the nomination of that noble and learned lord to whom there were such decisive objections. After the unanswerable manner in which the charge had been established against the noble and learned lord, it was unnecessary to enter into the subject further than simply to repeat, that it had been proved by the evidence of the physicians taken on oath, that the King's former illness continued from the 12th of February to the 23d of April 1804, and that during that interval of reason it appeared on the Journals, that the great seal was affixed to two commissions bearing date the 9th and 23d of March 1804, and the Lord Chancellor Eldon had also signified his Majesty's consent to the duke of York's estate bill, being a public bill in which the interests of the crown were affected. The noble and learned lord having thus in consequence of his own erroneous view and strong bias on his mind, been instrumental in deceiving this House and the country in 1804, was an improper person to be named to the Queen's Council, because from the high stations he had filled and from the high legal character of the learned lord, if placed in the Queen's Council, on him must devolve the decision of the competence of the Sovereign. For the purpose of recording on the Journals the facts of this most extraordinary case, he moved to have read, first the commissions of the 9th and 23d of March, then the evidence of Dr. Heberden before the Lords' Committee; which being read by the clerk and entered, lord King moved to omit the name of John Lord Eldon from the Queen's Council.

The Earl of *Buckinghamshire* said, that as a member of the administration on which the charge was attempted to be made, he should never shrink from the responsibility arising from that situation. In every act of that administration he had concurred as well as the noble and learned lord, and was ready to vindicate them whenever such vindication should be necessary. No person was more proper for being on her Majesty's Council than the noble and learned lord.

The Earl of *Westmoreland* observed, that he had also belonged to the same administration, and that all its measures had been submitted to the fullest deliberation: all the members of the administration had concurred in them, and were, of course, all equally responsible. In reply to the motion, he should only say that he was confident there was not a man in his Majesty's dominions who ought to be preferred to his noble and learned friend in a question as to the persons to be appointed for her Majesty's Council.

Lord *Redesdale* spoke on the same side, and, after a few words from earl Grey and lord Lauderdale, their lordships divided.

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The remaining Clauses being gone through, their lordships adjourned at 4 o'clock on Tuesday morning.

PROTEST

Against the Rejection of Lord King's Motion for omitting the name of "John Lord Eldon," as one of her Majesty's Council.

Dissentient,

First, Because it is of the highest importance, that in the appointment of her Majesty's Council the public should have every security, which previous conduct can afford, that the persons composing the same will not act under any undue bias, but that whilst they follow the course prescribed to them by their duty for restoring his Majesty to the public exercise of his royal functions, whenever he shall be in a capacity to resume them, they will neither expose his Majesty to the danger of a too early pressure of business, nor concur in representing his Majesty as qualified to act, in his high office, before his recovery shall be complete.

Secondly, Because, it appears by the evidence of Dr. Heberden, taken on oath before a Committee of this House, "that he was first called upon to attend his Majesty on the twelfth of February 1804; that he believed his Majesty presided at council on the 23d of April following;

and that he should consider the interval between those periods as constituting the duration of his Majesty's disease at that time." Yet nevertheless it appears from the journals of this House, that between the two days above-mentioned John lord Eldon, being then Lord High Chancellor of Great Britain, did, on the fifth March 1804, receive, and in his Majesty's name signify his Majesty's consent to a Bill, intituled, "An Act to enable his Majesty to grant the inheritance in fee-simple of certain manors, messuages, lands, and hereditaments, in the parishes of Byfleet, Weybridge, Wallin, Wallinleigh, and Chertsey, in the county of Surrey, to his royal highness Frederick duke of York and Albany, for a valuable consideration;" and that he did also put the Great Seal to a commission dated 9th March, by virtue of which fifteen Bills received the royal assent; as well as to a commission dated March 23d, under which seventeen other Bills received the royal assent; although his Majesty was, at that time, as appears by the evidence above recited, afflicted by a malady of the same nature and character with that which has now occasioned a suspension of the Regal functions.

Thirdly, Because, it further appears from the same evidence, "that after the period when his Majesty was so far recovered as to be able to transact business at any period of any day, he still retained such marks of indisposition about him as made it expedient that some one of his Physicians should be about his person for some months afterwards; and that Dr. Heberden was in attendance on his Majesty so late as the end of October;" and it was stated in debate, and not denied, that during this latter period, and particularly on the 10th of June, 1804, when it was understood and believed both by this House and the public, that his Majesty was perfectly recovered, his Majesty not only continued in a state which required medical guidance, but that both Dr. Simmons and his assistants were still in attendance on, and possessed a controul over his Majesty; yet, that nevertheless, while his Majesty was still subject to such personal controul, the said John Lord Eldon, as Lord High Chancellor of Great Britain, did receive his Majesty's pleasure on divers important matters of his Majesty's regal government, and did, in virtue of his said office, perform various public acts requiring the sanction of the King's authority.

Fourthly, Because, John Lord Eldon having so conducted himself, is not, in our own judgment, a person to whom the sacred trust of acting as one of her Majesty's Council in the care of his Majesty's person, and in the discharge of the other most important duties by this act committed to the said Council, can with propriety or safety be committed.

Grey
Lauderdale
Vassal Holland
Erskine

Rosslyn
Derby
Ashburton
Ponsonby
Ponsonby, Imo.

HOUSE OF LORDS.

Tuesday, January 29.

[Regency Bill.] The Regency Bill was read a third time, passed and sent to the Commons, with a Message, desiring their concurrence in the Amendments.

HOUSE OF COMMONS.

Tuesday, January 29.

[Regency Bill.] A Message from the Lords announced their assent to the Regency Bill, with Amendments. These Amendments were read a first time, and on the motion of the Chancellor of the Exchequer, ordered to be further considered on Thursday.

HOUSE OF COMMONS.

Thursday, January 31.

[London Theatre Petition.] Mr. Mellish presented a Petition from the right hon. Joshua Jonathan Smith, lord mayor of the city of London, Thomas Smith, esq. one of the aldermen of the said city, Charles Hutton, LL. D. Richard Cumberland, William Marsh, John Curwood, James Taddy, John Newman, Charles Brooke, Richard Ramsbottom, and John Wyatt, esquires; setting forth, "That, from the greatly increased extent and population of the cities of London and Westminster, and the suburbs thereof, the petitioners apprehend that it would be expedient and convenient for the inhabitants of the said cities and suburbs that there should be another Theatre for dramatic representations, in addition to those already existing, and the petitioners therefore, and others, have agreed to subscribe the sum of 200,000*l.* in transferable shares, for the purpose of erecting and maintaining such Theatre; and praying, that leave may be given to bring in a Bill for the same."—Ordered to be referred to a Committee, with power to send for persons, papers, and records.

[Regency Bill.] On the motion of the Chancellor of the Exchequer, the House proceeded to take into further consideration the Amendments made by the Lords in the Regency Bill. They were read a second time and agreed to without opposition, and Mr. Long was directed to carry the Bill to the Lords, and to inform their lordships that the Commons had agreed to the said Amendments.

Mr. *Whitbread* made some observations on the manner in which the Amendments had been disposed of and the Bill ordered to the Lords. As they were now done with, he did not wish to renew the topic, having already expressed his opinion on the Bill itself, and stated in the course of the proceedings the apprehensions he felt in contemplating the mischievous consequences by which it might be expected to be followed. He, however, intended offering a few words on what he had already had occasion to make some observations on before; namely, the usurpation of the royal authority by his Majesty's servants. The circumstances which had come to his knowledge, made him think that the King had been abused, and that his faithful and affectionate subjects had been grossly deceived by those who had presided at the head of affairs. He had reason to believe that the name of the King had been made use of to further their own views, at a time when his Majesty was incapable of putting it himself, and when it could with propriety be put to no act whatever. Feeling this as he did, when parliament was fully and regularly assembled, if no other member brought it forward, he should feel it to be his duty to call the attention of the House to the subject. This he should do that the whole of the circumstances might be properly investigated, and these being laid before them, it would be for the House to determine whether or not any farther proceedings would be necessary.

The *Chancellor of the Exchequer* said he had certainly no disposition to renew the debate, but in consequence of what had fallen from the hon. gentleman, on the vice of that principle which had formed the basis of their proceedings, he should reply, but only by referring him to those sentiments, which he had previously had the honour of delivering in that House; and he should refer him to those, with the satisfaction of knowing, that they were the sentiments of the majority of that House. With respect to what had fallen from the hon. gentleman, on the subject of what he conceived to be an abuse of the King's name, he did not know that he ought to receive it as any thing but a notice of a motion relative to the proceedings to which he had alluded. In answer therefore to this he had only to state, that he was quite prepared and quite ready to meet the hon. gentleman on that ground, at any time, under any circumstances, and in any manner in which he might think proper to bring it forward. The motion of which notice had been given had a reference to times at which he had no more connection with the cabinet than the hon. gentleman himself. He had no knowledge of the transaction from his own observation, and could know nothing of them but by communication with the parties. He could obtain no information but what was open to the hon. gentleman also. He however had now no hesitation in saying from the information which he had so gained, and on which he could rely, that he was perfectly ready to meet the question, and he had no doubt he should be able to prove, that what had been done was done with due allegiance to the crown, a proper regard to constitutional duty, and with the sanction of the party who was now supposed to object to its having been done.

Mr. *Whitbread*, in explanation, replied, that he had uniformly, in every stage of the Bill, expressed his disapprobation of it; and if he had said nothing on the Amendments just agreed to, it was from a wish to avoid any further delay in the completion of the Act. As to what the right hon. gent. had called a notice, he certainly meant it as such; and it would be well for the right hon. gent. and those concerned in the transactions he alluded to, if the right hon. gent. could make them appear to the House in the light in which he had so boldly asserted he could do.

HOUSE OF LORDS.

Friday, February 1.

[Commission for giving the Royal Assent to the Regency Bill.] The Regency Bill was brought up from the Commons by Mr. Long and other members, with a Message, stating that the Commons had agreed to the Amendments made to the Bill by their lordships. The Bill was then laid upon the table.

The Earl of *Liverpool* rose and stated, that he had brought down a copy of the form of the Commission which he intended to propose should be authorised by a Resolution of their lordships, as the instrument by virtue of which the Commissioners should be enabled to affix the Great Seal to the Regency Bill just brought up to their lordships from the Commons. His intention was then to propose that it should lie on the table, for the inspection of every noble lord who might wish to examine it; and to-morrow, to move the Resolution which he had already mentioned: but if there was any prospect of a discussion arising upon that subject to-morrow, he should propose that the consideration of it should be postponed to Monday next. He had no wish to occasion any unnecessary delay: but, as Saturday was not a day on which there was usually a full attendance, Monday would be more convenient in case of a discussion.

The Earl of *Rosslyn* observed, that there might be remarks made on some parts of the commission which might lead to a conversation; and expressed a wish, to understand more clearly the noble lord's intentions.

The Earl of *Liverpool* rose again to explain his meaning. It was not possible for him to anticipate to what extent such remarks and observations as might be made would go, and to what debate they might give rise: he therefore proposed to-morrow, with the understanding, that if a debate should be likely to arise, he should move to put it off till Monday.

The Earl of *Derby* did not rise for the purpose of stating at any length his opinions concerning the present measure, as the same opinions had in the course of their lordships discussions been repeatedly expressed by others, in a manner and words so much better than any thing he could do. He should therefore content himself with saying, that all the opinions he entertained on the subject during the proceedings of 1788-9, had been confirmed in his mind by every consideration he had since been able to give to the subject. He could never bring himself to agree to the fiction of using the King's Great Seal in the name of his Majesty, at a time when it was declared by parliament, and notorious, that the King was incapable of the exercise of the royal functions. He had no desire, after so much delay, to suggest any thing that might add to that delay; but he thought it would have been better to have had the form of the Commission printed, that their Lordships might have the means of perusing it and examining it with accuracy, which the short time to be afforded them of inspecting it on the table would not furnish them with the opportunity of doing. He also wished to know, whether it was the noble earl's intention to move that the Lords be summoned for to-morrow.

The Earl of *Liverpool* said, that he did not mean to move the summoning of the Lords for to-morrow, as he did not mean to go into any discussion to-morrow on the Resolution he should then propose. As to delay, he had interposed no delay; having taken the earliest opportunity of bringing the Commission before the House.

Lord *Ellenborough* agreed that the noble Secretary of State had taken the earliest opportunity of bringing forward the proposed Commission, but wished to know more clearly the noble earl's meaning respecting the postponement of any discussion. There might be various remarks and suggestions made by noble lords, which might occasion amendments, for instance, which might be adopted; there might be observations that might lead to a division, without any protracted, or, as it might be termed, adverse discussion. He wished, therefore, to know, in what sense he was to consider what might be said as a discussion which should be adjourned.

The Earl of *Liverpool* said, that it was not very easy to answer the question of the noble and learned lord, as he could not anticipate the sort of observations that might be made. All he could say was, as he had before stated, that if any debate seemed likely to arise which would take up time, he should move to put off the farther consideration till Monday.

The Commission was ordered to lie on the table.—Adjourned.

HOUSE OF COMMONS.

Friday, February 1.

[Dr. Thornton's Lottery Petition.] A Petition of Robert John Thornton, member of the University of Cambridge, and Doctor of Physic, of Hinde Street, in the county of Middlesex, was presented and read; setting forth, "That in order to produce some scientific works that might prove a national concern, the Petitioner, in the year 1791, selected the science of Botany as advanced by Linnæus and subsequent authors, which were to be executed by the first painters and other eminent artists of this country, and printed on paper the manufacture of this country, and with a type also superior to that of any other nation; and, that, to accomplish this purpose, the Petitioner formed a series of books, which were acknowledged by the professors of the science of Botany in the different Universities to be works unrivalled; and he has invented a new species of engraving and printing of flowers in colours, whereby, a great advancement is made in the progress of the fine arts, and much profit may arise to the nation in a commercial point of view; and that, owing to various circumstances, the Petitioner finds that the sources of assistance upon which he depended have entirely failed; and that, after expending a very ample fortune to complete his views, he has incurred a considerable debt, without any present hopes of remuneration; and praying, that leave may be given to bring in a Bill to enable him to dispose of his collection of paintings, drawings, and engravings, and also the copies of his books yet unsold by way of Lottery."

Ordered to a Committee, with power to send for persons, papers, and records.

[Issues of Money from the Exchequer.] Mr. *Whitbread* rose, and seeing the Chancellor of the Exchequer in his place, begged leave to state a fact which had come to his knowledge since the last sitting of the House. He had been informed, that there were two or more warrants in existence for the issue of money from the Exchequer, signed by his Majesty's hand, and bearing date between the 25th and 30th of October, 1810. He wished to have the answer of the right hon. gent. touching the fact, because upon that answer would depend whether he should or should not bring forward any motion upon the subject.

The *Chancellor of the Exchequer* answered, that he understood from report, though not from his own knowledge, that there were two warrants in the Exchequer, signed by his Majesty's hand, for the issue of small sums bearing date the 29th of October, 1810. The one for an issue of a small sum to the Commissioners of the Treasury, the other for a small sum to Mr. Chinnery, who was officially in the habit of issuing payments for public purposes. He must, however, accompany this statement by an explanation, that it was usual, in the course of business, to send blank warrants to his Majesty at Windsor, for his signature, with the dates not filled up; and they came back signed by his Majesty, and the dates were usually inserted on the days such warrants were sent to the Exchequer. He understood, also, there was a Privy Seal warrant in existence, signed by his Majesty, and bearing date the 27th of October; on the evening of which day sir Henry Halford, one of his Majesty's physicians in attendance, first declared his Majesty's mind to be in a ruffled state: and these were all of which he had received any information.

Mr. *Whitbread* said, he apprehended the right hon. gent. to state that the King's signature was obtained to those warrants in the ordinary course of proceedings, and that it was not unusual to obtain his Majesty's signature to such warrants without filling up the dates. He thought, however it would be expedient to know at what time these warrants were given, and whether there were more blanks left in them than for the date. From what the right hon. gent. had stated respecting the other warrant under the Privy Seal, he had evinced a disposition to communicate all he knew upon the subject. He should feel it his duty, however, to move for copies of all such warrants or papers, signed, or purporting to be signed, by his Majesty subsequent to the 26th of October. He would make the motion now, if the right hon. gent. had no objection; or, giving his notice now, bring it forward upon any future day most agreeable to the right hon. gent.

The *Chancellor of the Exchequer* submitted to the hon. gent. that it would, perhaps, be more convenient if he would submit his motion to the House on a future day.

Mr. *Whitbread* said, he had no wish now to press it, if not quite convenient to the right hon. gent. he would therefore, postpone it to a future day, and give the right hon. gent. notice of his intention to bring it forward.

Adjourned till Monday.

HOUSE OF LORDS.

Saturday, February 2.

[Commission for giving the Royal Assent to the Regency Bill.] The

Earl of *Liverpool*, in pursuance of his notice, rose and moved, "That it is expedient and necessary that Letters Patent should pass under the Great Seal of the United Kingdom of Great Britain and Ireland, of the tenor and in the form following:

'George the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, to our right trusty and right well beloved the Lords Spiritual and Temporal, and to our trusty and well beloved the knights, citizens, and burgesses, and the commissioners for shires and burghs of the House of Commons, in this present parliament assembled, greeting: Whereas, We have lately, for divers difficult and pressing affairs concerning us and the state, and defence of our United Kingdom of Great Britain and Ireland, and the Church, ordained this our present Parliament to begin and to be held at our city of Westminster on the 22d day of June in the 47th year of our reign, on which day our said Parliament was begun and held, and from thence, by several adjournments and prorogations was adjourned and prorogued to and until Thursday the first day of November last, then to be held and sit at our city of Westminster aforesaid: And whereas, by our Letters Patent, bearing date at Westminster the 15th day of January last past, We did give and grant unto the most reverend father in God and our faithful councillor Charles archbishop of Canterbury, primate and metropolitan of all England, our well beloved and faithful councillor John lord Eldon, Lord Chancellor of that part of our United Kingdom of Great Britain and Ireland called Great Britain, our most dear cousins and councillors John Jeffreys earl Camden, President of our Council, John earl of Westmoreland, Keeper of our Privy Seal, James duke of Montrose, Master of our Horse, Heneage earl of Aylesford, Steward of our Household, Henry earl Bathurst, Robert Banks earl of Liverpool, one of our principal Secretaries of State, Dudley earl of Harrowby, Richard lord Wellesley, one other of our principal Secretaries of State, Henry lord Mulgrave, and Edward lord Ellenborough, our Chief Justice assigned to hold pleas before us, and any three of them, full power in our name to hold our said Parliament, and to open and declare, and cause to be opened and declared, the causes of holding the same, and to proceed upon the said affairs in our said Parliament and in all matters arising therein, and to do every thing which, for us, and by us, for the government of our said United Kingdom of Great Britain and Ireland, and other our dominions thereunto belonging, should be there to be done: And whereas, in our said Parliament, an Act hath been agreed and accorded on by you our loving subjects, the Lords Spiritual and Temporal, and the Commons in this our present Parliament assembled, and indorsed by you, as hath been accustomed, the title and name of which Act hereafter doth particularly ensue, (that is to say,) an Act to provide for the administration of the royal authority, and for the care of his Majesty's royal person during the continuance of his Majesty's illness, and for the resumption of the exercise of the royal authority by his Majesty: And albeit, the said Act, by you our said subjects, the Lords and Commons in this our present Parliament assembled, is fully agreed and consented unto, yet, nevertheless, the same is not of force and effect in the law without our Royal Assent given and put to the said Act: And forasmuch as, for divers causes and considerations, We cannot conveniently at this time be present in our royal person in the higher House of our said Parliament, being the place accustomed to give our Royal Assent to such Acts as have been agreed upon by you our said subjects, the Lords and Commons, We have therefore caused these our Letters Patent to be made, and by the same do give and put our Royal Assent to the said Act, and to all articles, clauses, and provisions therein contained; and have fully agreed and assented to the said Act, willing that the said Act, and every article, clause, sentence, and provision therein contained, from henceforth shall be of the same strength, force, and effect, as if we had been personally present in the said higher House, and had openly and publicly, in the presence of you all, assented to the same: And we do by these presents declare and notify the same our Royal Assent, as well to you the Lords Spiritual and Temporal and Commons aforesaid, as to all others whom it may concern: Commanding also by these presents our right trusty and well beloved councillor John lord Eldon, our Chancellor of that part 'of our United Kingdom of Great Britain 'and Ireland called Great Britain, to seal 'these our Letters Patent with our Great 'Seal of our United Kingdom of Great 'Britain and Ireland: And also commanding the said most reverend father 'in God, and our faithful councillor Charles 'archbishop of Canterbury, primate and 'metropolitan of all England, our well 'beloved and faithful councillor John 'lord Eldon, our Chancellor of that part 'of our United Kingdom of Great Britain 'and Ireland called Great Britain, our 'most dear cousins and counsellors John 'Jeffreys earl Camden, President of our 'Council, John earl of Westmorland, 'Keeper of our Privy Seal, James duke 'of Montrose, Master of our Horse, 'Heneage earl of Aylesford, Steward of 'our Household, Henry earl Bathurst, 'Robert Banks, earl of Liverpool, one of 'our principal Secretaries of State, Dudley earl of Harrowby, Richard lord Wellesley, one other of our principal Secretaries of State, Henry lord Mulgrave, 'and Edward lord Ellenborough, our 'Chief Justice assigned to hold pleas 'before us, or any three or more of them, 'to declare and notify this our Royal Assent in our absence in the said higher 'House, in the presence of you the said 'Lords and the Commons of our Parliament there to be assembled for that purpose, and the clerk of our Parliaments 'to endorse the said Act with such terms 'and words in our name as is requisite 'and hath been accustomed for the same, 'and also to enroll these our Letters Patent 'and the said Act in the Parliament Roll, 'and these our Letters Patent shall be to 'every of them a sufficient warrant in that 'behalf: And finally, We do declare 'and will, that, after this our Royal Assent given and passed by these presents, 'and declared and notified as is aforesaid, 'then and immediately the said Act shall 'be taken, accepted, and admitted a good, 'sufficient and perfect Act of Parliament 'and law, to all intents, constructions, 'and purposes, and to be put in due execution accordingly, the continuance or 'dissolution of this our Parliament, or any 'other use, custom, thing or things, to 'the contrary thereof notwithstanding: 'We do hereby further declare that our 'said Letters Patent bearing date at Westminster the 15th day of January last 'past, and every clause, matter, and thing 'therein contained are and shall be in as 'full force and strength (these our Letters 'Patent or any thing herein notwithstanding) as if these presents had not 'been had or made: And our will and 'pleasure is, and we do ordain and constitute, that the same most reverend father 'in God and our faithful councillor Charles 'archbishop of Canterbury, primate and 'metropolitan of all England, our well 'beloved and faithful councillor John lord 'Eldon, our Chancellor of that part of our 'United Kingdom of Great Britain and 'Ireland, called Great Britain, our most 'dear cousins and councillors John Jeffreys, earl Camden, President of our 'Council, John earl of Westmorland 'Keeper of our Privy Seal, James duke of 'Montrose, Master of our Horse, Heneage 'earl of Aylesford, Steward of our Household, Henry earl Bathurst, Robert Banks 'earl of Liverpool, one of our principal 'Secretaries of State, Dudley earl of Harrowby, Richard lord Wellesley, one 'other of our principal Secretaries of 'State, Henry lord Mulgrave, and Edward 'lord Ellenborough, our Chief Justice assigned to hold pleas before us, and any 'three or more of them, shall put in execution all the powers and authorities in 'the said Letters Patent mentioned and 'expressed that yet remain to be done 'and executed: In witness whereof, We 'have caused these our Letters to be made 'Patent: Witness ourself at Westminster, 'the 5th day of February, in the fifty-first 'year of our reign.

'By the King himself, by and with
'the advice of the Lords Spiritual
'and Temporal in parlia-
'ment assembled:'"

The said Commission having been read by the Clerk,

Lord *Holland* said, that it was not his intention again to renew the discussion upon this subject, or to repeat the observations which he had before made, he should merely now content himself with protesting, which he most solemnly did, against the whole proceeding. Every thing that had occurred had served still further to strengthen him in the opinion he before entertained, and still more to convince him of the truth of his former observations. After a delay of nearly three months, productive of the greatest inconvenience to the public service, they were now called upon to sanction a proceeding contrary to all the analogies of the constitution, and at variance with every constitutional principle and usage, in giving an assent by the direction of the two Houses to their own act, without the authority of the King, or of any other person representing the royal authority; such a proceeding was not only contrary to the principles of the constitution, but contrary to the statute law of the land; it was in itself illegal, and of no authority; those who now carried it into effect would be amenable to the law for so doing, and could only be relieved from that responsibility by a subsequent act of Indemnity.

Earl *Grey* perfectly concurred with his noble friend that the present proceeding was not only contrary to the analogies and the principles of the constitution, but also to the statute law of the land. He did not wish to renew the discussion, but he could not leave the House without publicly protesting, in the most solemn manner, against the proceeding which the House were now called upon to sanction. He could not conceive any proceeding more absurd, than the giving an assent to a Bill in the name of the Sovereign, whilst that Sovereign was most unfortunately, by the visitation of God, rendered incapable of exercising his royal functions. Such a proceeding was contrary to law; it signified not what were the words of the instrument; it was of no authority: the noble and learned lord in putting the Great Seal to it must do it upon his own responsibility: those who participated in the act must do it upon their own responsibility: they were amenable to the law for so doing, and their proceedings could only be taken out of that liability by a subsequent act of Indemnity.

The Earl of *Liverpool* defied the ingenuity of the noble lords opposite, to point out any other mode of proceeding more consistent with the analogies of the constitution, more approximating to the practice and usages of the constitution, or more congenial with its principles, than the present. Whatever mode of proceeding was adopted, there must be an irregularity, and he contended that the mode which was now resorted to was the best, inasmuch as the forms of the constitution would be observed, and, by putting the Great Seal, the act must be recognised by all the subordinate authorities. He did not understand what was meant by the term, "any other person," for no other person than the King could legally give the royal assent to a Bill agreed upon by the two Houses of Parliament, and no such power could have been conferred by an Address.

Lord *Holland* said, in using the term any other person, he had used it in the sense of a representative of the royal authority, having full power to assent or dissent, contending, as he did, that there was no precedent whatever for setting up a power to represent the royal authority, which was not capable of dissenting as well as assenting to the act of the two Houses. In the proceeding now proposed, it was in fact nothing more than the two Houses assenting to their own act. He repeated, that those who put the Great Seal to the instrument now proposed, would be acting contrary to law, and must do it at their own peril.

Lord *Redesdale* contended that there were precedents for the form now proposed; and that all the acts in the reign of Henry the sixth, from his accession to the throne to the time of his attaining his full age, were assented to in this form, and no other; many of which acts were still the law of the land, and were acted upon in courts of justice. He thought it absurd to argue, that although the two Houses of Parliament had the power of investing the Regent with the whole of the royal authority, yet that they had not the power of giving a final sanction to that act. The mode of Address had, he contended, only been resorted to in cases of Revolution, as in 1688, and in usurpations, as in the case of the duke of Gloucester, by which Edward the fifth was dethroned, and was entirely a revolutionary measure. Some attempts had been made to intimidate noble lords by means of terror, but he trusted those noble lords would do their duty uninfluenced by any such threats.

Lord *Holland* said he would not appeal to the tribunal of the candour of the noble and learned lord, for reasons which it was unnecessary to state, but he would appeal to the tribunal of the learning and memory of the noble and learned lord, on the subject of those precedents, the existence of which he had asserted. It was the opinion of some men, who without disparagement to the noble and learned lord, he might say, were as learned and as able as himself, who were some of the best and ablest lawyers that ever existed in this country; It was the opinion of Selden, Serjeant Maynard, and others equally learned, that up to 1642, there had been no instance of the constitution existing without full powers. By full powers, was undoubtedly meant the full authority of the third branch of the legislature to assent or dissent to the acts of the other two. The opening of the Parliament, although undoubtedly an irregularity, was still merely using the name of the King, but in the proceeding now proposed, they were to assume the functions of the third branch of the legislature in assenting to their own act. He denied the existence of any precedent to this effect during the minority of Henry 6, and declared, that if the noble and learned lord would shew, that during that period the authority of the third branch of the legislature was exercised in any one instance, without the power of dissenting to the acts of the other two, that he would then vote for the motion.

The motion was agreed to, and the Resolution was ordered to be communicated to the Commons at a Conference.

PROTEST

Against agreeing to the Resolution to put the Great Seal to a Commission to pass the Regency Bill.

Dissentient'

1st. Because having disapproved of the state of anarchy in which this country has been kept for three months, and which might have been prevented by following the precedent of 1688, I cannot agree to this measure for terminating it, which I consider to be unconstitutional and illegal; as by ordering this Commission to be passed, the two Houses of Parliament assume that power into their own hands to make a law, which it is expressly declared they have not, by statute the 13th of Charles 2; and in order to suit the emergency, the usual and important words are left out of this Commission, "having seen and understood the clauses of the Bill."

2dly. Because I disapprove of the Bill which this Commission is to pass in this unprecedented manner, as thinking it impolitic and inexpedient; and it appears to me to be very ungracious for the two Houses of Parliament to be taking advantage of the defenceless state of the third branch of the legislature, to attack its prerogatives; and if this principle be admitted, of only allotting such portion of the royal authority as we think fit to the person executing the royal functions, upon the same principle still farther Limitations might have been added, and the Regent rendered merely a cypher, and the monarchy itself degraded in the eyes of the public.

Ponsonby.

HOUSE OF LORDS.

Monday, February 4.

[Commission for giving the Royal Assent to the Regency Bill.] On the motion of the earl of Liverpool, a Message was sent to the Commons, desiring a present conference in the Painted Chamber, on a matter of high importance to his Majesty and the nation. The two Masters in Chancery sent with the Message (Mr. Cox and Mr. Steele) having returned, Mr. Cox reported that the Commons had agreed to the Conference desired by their lordships. Shortly afterwards, Mr. Quarme, the Deputy Usher of the Black Rod, came to the Bar, and announced that the Commons were ready for the Conference in the Painted Chamber. The Lords appointed to manage the Conference, namely, the Lord President (earl Camden), the Lord Privy Seal (earl of Westmoreland), the earl of Liverpool, the earl of Glandore, the bishop of Killala, lord Napier, lord Walsingham, lord Rolle and lord Arden, went forth. On their return soon afterwards, earl Camden reported that they had communicated to the Commons the Resolution passed on Saturday, for issuing a Commission under the Great Seal for giving an assent in the King's name to the Regency Bill.

The Earl of *Moira* said, he did not rise to renew the debate, but for the purpose of protesting in the face of his country, which he most solemnly did, against the whole proceeding—a proceeding which he considered to be a deliberate violation of the law of the land, without the extenuation of any exigency; for the exigency might have been adequately provided for without any violation of the law. The proceeding was not only a violation of the law, but also of all the principles of the constitution, and led to the establishment of a precedent of the most mischievous tendency. Considering it in this point of view, he felt it to be his duty to protest against it, which he did in the most solemn manner.—Adjourned.

HOUSE OF COMMONS.

Monday, February 4.

[Commission for giving the Royal Assent to the Regency Bill.] A Message from the Lords was received, desiring a present Conference. The House immediately agreed to the Conference, and the messengers being called in and acquainted therewith, the following members were appointed to manage the Conference on the part of the House of Commons, Mr. Dundas, the Chancellor of the Exchequer, Mr. Foster, Mr. Long, Solicitor General of Scotland, sir Peter Murray, sir Charles Price, Mr. Leicester, sir James Shaw, Mr. Kenrick, sir W. Scott, Mr. Rose, Gen. Phipps, Mr. Manners Sutton, Mr. Wallace, the Solicitor General.

Mr. Dundas soon after appeared at the bar with the Resolution of the Lords, in which they desired the concurrence of the Commons.

The *Chancellor of the Exchequer* stated, that in pursuance of the course on which the House had entered, it had now become necessary to consider the best mode of giving the royal sanction to the Bill which had passed the two Houses, and with this view he should move that the House do resolve itself into a Committee of the whole House on the State of the Nation.

Sir *Thomas Turton* said, that to those who had thought with him through the whole progress of the present measure, that it was a most extraordinary and unconstitutional expedient, no apology was necessary on his part for rising to reiterate on the final stage of that proceeding his strongest condemnation and protest against it. Although it might be an act necessarily following and arising out of the principles which a Majority of both Houses had decided to be the best and most salutary that could be adopted, he yet regarded every previous measure as trifles light as air in comparison of what it was now proposed to do, the magnitude and importance of which imposed upon him the necessity of trespassing once more on the attention of the House. If there was one maxim more clearly established than another in the frame of the constitution, it was that two branches of the legislature were not competent to make any binding provision that should have the effect of law. If there was any beauty in the constitution peculiarly entitled to admiration, it was the counteractive influence of the separate estates, and more especially the salutary operation of the royal Veto in repressing the occasional effervescence of a democratic, or the general pride of an aristocratic spirit. But in giving a fictitious royal assent to an act of the two Houses, what was it but to make use of that assent to give validity to an act of their own? At the time too, when in pursuance of the third Resolution, the ground-work of all their proceedings, they were professing to aim at the preservation of the form and principles of the constitution. He wished to refer also to that statute which he conceived had been too seldom and too slightly adverted to—the Act of the 13th of Charles 2. He was far from thinking that this statute merited the contempt with which it had been treated, in the discussions which had taken place. Whether he considered the character of the persons with whom it originated—among whom was to be found a Clarendon and others, who, if since equalled for patriotism and talents, had certainly not been surpassed—or if he recalled to his mind in what company this law was made, when he remembered that by the same parliament freedom of debate was first secured to the House of Commons, and that the same parliament defined and improved the law respecting trials for High Treason; he was equally impressed with a high sense of the value and estimation due to the Statute which he had alluded to. The whole spirit of the Constitution was opposed to the measure before them, and it was beside a violation of the plain letter of the law. Both the law and the constitution might be quoted against it, and against any other Bill, however partial, local or temporary in its nature. But when he regarded the object of that Bill, which they were then considering in what manner to sanction, which not only affected the deepest interests of the country, but absolutely curtailed and disposed of the Prerogatives of the Crown itself, at that particular moment when by an unhappy visitation of infirmity on the sovereign, these prerogatives were left at their mercy, and the power of the royal Veto was totally suspended, it was impossible for him to suffer such a proceeding to be completed without renewing the declaration of his most solemn protest against it. It appeared to him that there had been much irregularity in referring to the monarch on all occasions, rather than the monarchy, which it was their duty no less than their interest to guard. Neither was he inclined to join in the levity with which some had termed the proceeding a phantom. To him it appeared to constitute a precedent of substantial mischief. The power of conferring peerages had been taken from the chief magistrate. If the two Houses had the right to do this, their right was equally indisputable to take away the prerogative of making peace and war. Where then would the precedent stop, and what line could be drawn to the assumed privileges of the two Houses ?—He would say no more on the principle of the Bill; but he could not help remarking, that as many persons had arrogated a superior claim to the title of the King's friends, it was a strange way of shewing their respect to the regal authority to seize upon the period of its suspension and weakness, to limit and restrict its most important functions. It appeared to him that there was such absurdity in tracing back the precedents of Henry 6th's reign, precedents which he had carefully examined without finding any thing more than a quantity of bad Latin and bad French. At that period of our history the Great Seal had been passed through the hands of an infant in order to give the royal sanction to a commission for assembling parliament, but it had never beeen converted before into an instrument for putting the royal authority in abeyance. Though perhaps therefore not less unconstitutional, it was a proceeding that failed to establish the perilous and alarming precedent of the present day. What, however, if the country should not acquiesce in this novel and extraordinary assumption of power ? What if their ordinances under the circumstances of their present situation should be resisted by the people ? Ought not ministers to have considered this, and was it not their duty to consider even yet whether there was no means of extricating themselves from so great a difficulty ? In his judgment the best mode they could now adopt would be to throw out this Bill, advanced as it was in its progress, and immediately address his royal highness the Prince of Wales to assume the government of the country. He was aware of the length to which the discussions had already extended, and of the ability with which they had been conducted, but questions distinct in their nature had been too much blended together, and abundance of extraneous matter introduced. The question, however, between the proceeding by Bill or Address had been certainly sufficiently debated, and he should say no more upon that subject. He could not help thinking still, that those who had taken the lead in support of proceeding by Bill, had but ill sustained the character of superior loyalty and attachment to the interests of the Crown. Where were they to look for the proofs of the right hon. the Chancellor of the Exchequer's anxious concern and fidelity to the King his master ? Was it in his late allusion to the character of Richard II. as one fit to be compared or assimilated to his Majesty ; of a King, the object of his subjects' abhorrence, imprisoned for his weak and pernicious subserviency to his minions ; with a monarch engrossing the sincere affections of the country over which he ruled, and whose return to the duties of his high station was the event most anxiously desired in the unanimous prayers of his people ? The right hon. gent. indeed, in his zeal for poetical quotation, had forgotten to notice one tragedy of the illustrious bard to whom he had referred, in which some incidents might perhaps be found more suitable to the occasion. Had the right hon. gent. consulted the play of King Lear, he might have discovered striking examples of the emptiness of pretended loyalty, and the inefficacy of sounding professions when put fairly to the test. He might there have seen, by the character and conduct of a Cordelia, that those who boast the least, and make the most moderate pretensions, those who vow to Majesty nothing more than is inscribed in the bond of a subject's allegiance,

> Who love his Majesty,
> According to their bond ; nor more, nor less,

were, in the hour of real peril, infinitely more to be depended on than the courtly flatterers who profess

> To love him more than words can wield the matter,
> Dearer than eye-sight, space and liberty.

Thus much he deemed it necessary to say in vindication of the equal loyalty and sincerity of attachment to the King felt by those who had resisted the curtailment and mutilation of his prerogatives. Whatever, indeed, might be the warmth of the affection felt by all descriptions and parties for the monarch, he would say, that those who voted for an act so subversive of its interests, were in fact enemies to the monarchy. Impressed, therefore, with a sense of the fatal dangers that might arise in the train of its natural consequences, and with the wrong done to the constitution, he would exclaim "fiat justitia ruat "cœlum," and once more exhort the House to have immediate recourse to an address to the Prince of Wales. When the question should be put, if no amendment should be moved by any other member, he would submit one to the House that should contain his protest against the principle, and which should exhibit on their Journals to after ages, that so monstrous a violation of the fundamental principles of the constitution had at least not passed by an unanimous vote.

The question was then put that the House do resolve itself into a Committee of the whole House, to take into consideration the State of the Nation.

The Speaker left the Chair, and the Chancellor of the Exchequer moved that the Resolution of the Lords be agreed to.

Mr. *Elliot* observed, that he could not suffer the present occasion to pass without declaring his solemn protest against the course proposed to them. It was his clear and decided opinion, that if calamities similar to those which now afflicted the country were again to occur, a plan similar to the present could not again be resorted to, without subverting all the barriers and securities of the constitution. It was not probable that the constitution would itself escape. By having recourse to a mode of proceeding at once indecorous, dispiriting, and fallacious, they were asserting the right of the two Houses to dispense with the regal office. They were declaring their determination to bring the throne to the feet of the two Houses, and erecting a new and unconstitutional authority in the absence and infirmity of their sovereign. He did not rise to trouble the House with any arguments on the question, and should therefore content himself with repeating his disapprobation of the measure, and his intention of negativing it.

Mr. *Ponsonby* said he rose not for the purpose of prolonging or exciting any fresh debate. He wished only to add his protest to those of the honourable members who had spoken against the consummation of a fraudulent fiction. It was one entire and unqualified fiction, defying and trampling upon the constitution, and offending the first principle of reason, by asserting the existence of a power to give the royal assent in an act designed solely to supply the royal incapacity.

The Right Honourable the SPEAKER rose, and addressed the Committee as follows:

Mr. Lushington;—I did not think that I should have found it necessary to have troubled the Committee this day; but after the strong and loud protestations made by the hon. baronet who spoke first, and by the right hon. gent. who followed him, and again by the right hon. gent. who has just sat down, protestations so disparaging and derogatory to the character of this House and its proceedings, it is impossible for me, with the opposite views which I entertain of this subject, to pass silently to a vote.

Sir, I have purposely abstained from offering myself to your notice in the earlier stages of these debates, for many reasons; and chiefly, because after this great question had already, at a former period of the present reign, undergone such long and ample discussion by persons of all parties the most eminent for their constitutional knowledge, political wisdom, and transcendent abilities, I could not presume to think it in my power to contribute any very new or material information.

Besides this, I have been also desirous of not taking any part in the discussion of those other topics, however important, which have hitherto agitated and divided this House between the contending opinions in favour of a free or of a restricted Regency; because I have persuaded myself that any person, to whom this House commits the duties of the office which I have the honour to hold here, will be more likely to render his services satisfactory and effectual, by forbearing to mix in general debate, upon any measures of occasional policy, or particular and temporary expediency.

But the question before us, being now reduced to the single issue respecting the form of our proceedings, and that a form of the highest solemnity, I think it will be most respectful to the House, that I should proceed very briefly to state my opinion, and the grounds upon which that opinion is founded.

Before I enter upon the immediate question of this night, I will, however, with the leave of the Committee, trouble them with some few preliminary observations upon the several steps by which we have arrived at the situation in which we are now standing.

At the outset of our proceedings, it was almost called in question, "whether we were the Commons House of Parliament," and whether we were, in truth, "the lawful Representatives of the People." But whatever opinions any man may entertain, justly or unjustly, upon the possible benefits to be derived from any alteration or extension of the elective franchise, yet to say, that we are not now the legal Representatives of the People, is an assertion never to be made within these walls without reprobation and censure: its origin is founded in error at the least, and its end is certain mischief.

As little is it to be doubted but we are here legally assembled. Elected by the King's Writ, prorogued by the King's Commission, and met upon the day prescribed by the prorogation, what else can be necessary to legalize the meeting of any Parliament? What we have not been, is also equally clear. By the law and usage of Parliament, until the causes of our meeting are opened and declared from the Throne, we have not commenced a session: Nor has the time begun to run upon any of those acts of state, or upon those statutes, where duration is measured by that standard.

But it follows not from thence that we can do nothing; For if the impediment of our ordinary functions is proved to have arisen from the impossibility of any personal exercise of the Regal Power, by which the cause of our summons should be declared, then it is, that new and extraordinary duties and powers devolve upon us; the duty of filling up the chasm in the constitution, and the power of doing all things which may be necessary to that end. The task is momentous, the interval hazardous, but the duties and powers belong to us, and they must be executed.

In this path, however, we have had the lights of former times to guide our steps, and our ancestors have marked out our proper course; we have had before us, the transactions of the Restoration, and of the Revolution, besides that which belongs to the present reign.

The Restoration Parliament, surrounded by difficulties of every description, was compelled for almost every possible purpose of regal government, to wield the Sceptre of the absent Sovereign, in order to bring back that sovereign to his throne. By the joint command of Lords and Commons, the Exchequer receipts and issues of public money were controuled, the naval and military force of the country were directed, the civil government was upheld, and all things were done which were requisite for his Majesty's service: all these (as the Commons expressly tell the Lords) "being assented unto, as cases of extremity:" And the Parliament which had done these things, was afterwards by statute declared to have been a lawful Parliament.

In the Convention of 1688, the exercise of these powers was in fact circumscribed within narrower limits, but it was not disclaimed in principle. The Convention proceeded to fill the throne, but not without previously discussing and declaring the grievances and rights of the nation; it interposed also to punish magistrates who endangered the public safety, by favouring the escape of persons charged with High Treason; and even before it became a Parliament it abstained not from declaring, and repeatedly exercising, the privileges of a parliament, by punishing for contempt and violation of those privileges.

In 1788, the Parliament of that day was enabled still more fortunately, from the then state of the world, to refrain wholly from all acts whatever but that of supplying the lamented defect of the regal authority. And in one respect, it stopped short of doing what I should have thought was incumbent upon them (and upon us also in our own time) namely, so far to have followed the example of the Convention of 1688, as to appoint at least their Committee of Privileges, and to put this House into the fullest state and form for vindicating, if necessary, the authority of its proceedings.

I fear the Committee may think that I have gone somewhat more at large into these preliminary remarks than was strictly necessary: But these are considerations which concern us all, so long as we sit here to deliberate; whatever may be the diversity of our opinions, upon the particular measure in which our deliberations should most properly terminate.

And now, Sir, in addressing myself to the principal question, I may perhaps be allowed to say, that having borne no share whatever in the former transactions, by which we are now steering our course, having also no imaginable interest in the issue of the present measure (beyond that interest which belongs to any other of his Majesty's subjects) and having at first looked upon this as, in some degree, a doubtful proposition, nevertheless every step which I have taken in the examination of its merits, has led me to this conclusion, that the course now proposed, namely, proceeding by Bill, is right and just; and that no other would be so effectual for the common end proposed by us all.

In stating the general grounds of this opinion, it may be sufficient to say, that I do most cordially and entirely agree in the sentiments delivered 22 years ago, by a noble and distinguished person then holding the same office in this House, which I am humbly endeavouring to discharge; meaning however to reserve out of that declaration (and for the reasons I have already assigned) the expression of any opinion upon the expediency or inexpediency of all or any of the specific limitations, either then or now brought forward; it appearing to me, that whatever view be taken of that part of our proceedings, it does not touch the present argument.

Subscribing therefore in general to those doctrines in favour of proceeding by Bill rather than by Address, it will only be necessary for me now to select and state the cardinal points, upon which, in my judgment, the whole argument hinges.

Some principles there are, which have been assumed on all sides, throughout these debates.

It is acknowledged by all (or nearly all) to be the right and duty of the two Houses of Parliament to fill the throne if vacant; and also to supply any temporary defect in the personal exercise of its powers.

It is also allowed on all hands, that if the throne be *vacant*, the true mode of proceeding is by Address; whether we have only to recognize a dethroned or exiled King, as at the Restoration,—or to elect a new King, as at the memorable and glorious æra of the Revolution:—and rightly so; because a King once upon his throne, holds an office which the law has defined and the constitution acknowledges; and it is enough to command our obedience if he be declared King, whether he be so *de jure* or *de facto*.

But, if the throne be *full*, it appears to me that our proceedings must then be different, because the case we have then to provide for, is essentially different in fact.

In the first place, two Kings at a time we cannot have; and no other office of sovereign authority exists by law, or is defined by law, to which any known or definite powers would accrue, by our designation of any individual whom we should appoint to hold it. The first thing, therefore, which we have to do in such a case, is to define what that office shall be which we think fit to establish; and to define it we must model it into something which is not the King; whether we intend to give it the largest powers, such as were given to Philip of Spain (for even he by the law which gave him the government, was expressly made to hold it, not as King, but "under the issue" of his marriage;) I say, this we must do, whether we mean to create a free Regency like that given to Philip of Spain, and to the Lords' Justices under the Succession Act, or whether we reduce it to the Regency Councils projected by the Acts of 1751 and 1765.

Here then is the first radical difference in the state of our facts; and for such a case, an Address is at least an inconvenient mode of providing a remedy, and more especially, if it is to be attended with any detailed specification of powers, or even of regulations.

In the next place; when we shall have so defined the powers of the Regent as to suit the special case (be it of infancy, captivity, infirmity, or old age) we must not forget that we have also still a reigning monarch; that we must provide in all instances for his present welfare; and that in some, we must provide also for his future resumption of power.

To the Regent indeed, whose office is defined, we may tender this office by Address, and receive his assent or dissent to our solicitation: but the Monarch whose absence or incapacity is to be supplied, cannot be a party to such contract; nor, if that were possible, would our allegiance permit him to be so without our participation.

Here then we have a second radical difference in the state of our facts; and for this latter case, the proceeding by Address is clearly an inadequate remedy; because it rests upon the assent of only one of the parties concerned, and neither provides for nor binds the other.

And thus it is that we are by necessity brought to devise some other measure, by which both these ends may be obtained conjointly, and by which (at the same time that we make this transfer of power) we may with equal solemnity and security, enshrine the sacred person of the Sovereign, and install the Regent; some measure, simultaneous in its effect, and obligatory alike upon all the parties included in this momentous transaction, and also upon every part of the empire.

How then is such a measure to be accomplished? To me it appears that the necessary course of such a proceeding is plain and clear; namely, by acting during the sovereign's incapacity (as nearly as the circumstances will allow) according to the same practice which must obtain if he were well.

The Great Seal is the organ of the King's will in parliament: If this be dormant or lifeless, we must give it life and activity; avowing our own act boldly and openly to the nation, in whose name and for whose interest we are acting; and let us by the Great Seal make that to be law, which shall bind us and them, under a known sanction of authority, which no liege subject can controvert.

If it be demanded of us, what concern have we with the Great Seal? The answer is, much concern every way.

The Great Seal is not only the official seal of royalty, but it is the Great Seal of the Realm, the Great Seal of England heretofore, and now the Great Seal of the United Kingdom.

In this all his Majesty's subjects have for many purposes of justice, a strong interest; for the protection of their civil rights; and over this, the House of Commons, for a parliamentary purpose, that of completing its own representation (not even from necessity, but from high constitutional jealousy) does habitually exercise its commands.

During the malady of Henry the 6th, and after his incapacity was declared, an act of parliament was passed, founded upon that very incapacity, and to which act it was of course impossible that the personal assent of the King could be had; and the Great Seal was put to the Duke of York's commission as protector (as is specially stated in the commission itself,) by virtue of that very act of parliament, and in the name of the King "*Per ipsum Regem, auctoritate Parliamenti.*"

The Restoration Parliament in 1660, acting upon like necessity, thought it also their duty, acknowledging the king and the kingly office, in his absence to lay their hands upon the Great Seal, by appointing the Earl of Manchester, under a joint vote of the two Houses, to be a commissioner for its custody; and this was done for the purpose at least of controlling its use, till the king's arrival, which was the whole extent of their necessity.

And so it is, that we must now proceed conjointly with the Lords, upon the like ground of necessity, although to a greater extent, and employ the name and seal of the Monarch, for the specific and corresponding purpose of reviving the suspended functions of the monarchy.

But here the hon. baronet who first opened this debate, contends against us, that our progress to the ultimate completion of our measure, is nevertheless barred by existing laws, which declare such a measure to be subversive of the government and constitution: and his insurmountable objection is chiefly founded on the Statute 13 Car. II.—To this objection however, and all the other statutes, which might be ranged under it, there is one general answer; namely, that they all suppose the case of an existing King in full possession of his faculties; whereas the very foundation of our proceedings is the incapacity of the Sovereign. To require that as indispensable, which is impossible, is therefore at once to come to the monstrous and mischievous conclusion, that the constitution and government of this country are now absolutely dissolved.

But then the right hon. gent. who spoke last alledges against us, That by thus using the Great Seal, all that we have done is to employ a fiction, a fraud, and a forgery, unworthy of an enlightened age, and a great nation in its highest transactions. And if this charge were in my judgment true, I should agree, Sir, that such a measure ought wholly to be laid aside. But this I am satisfied is a hasty and inconsiderate expression, which will not stand the test of sober examination. Let us take this step by step.

In the first place, It cannot be meant to charge this as an unpardonable fiction, so far as it consists in "one party doing an act in the name of another?" for that would disprove the validity of all delegated authority; from the highest example of the Regent himself, embracing all the most solemn acts of embassy and diplomacy, and extending through all the ordinary transactions of civil life, down to the lowest notarial act done by procuration.

But neither is there any ground for alledging that this commission is an unjustifiable fiction, as if it ascribed an act of volition to the royal person whose name it bears, and as if it represented him to be still enjoying that free and full exercise of his mind, which we have already declared him not to possess.

These instruments, when read and examined, import no such thing; nor ought they so to do.

We all know, that when the King acts in the complete possession of his royal functions, he must execute his office either by individual and responsible servants, who must countersign his orders to give them validity, or that in special instances he must act by the advice and assent of his Privy Council; and every commission for opening a parliament, from the æra of the Revolution at least, recites the King to act in it, by the advice and assent of that council.

But here, in the commission for opening the parliament, and also in this commission for the royal assent, the two Houses begin by striking out all these ordinary badges and proofs of his Majesty's personal intervention, or of his acting in the ordinary course of his royal functions; and they have declared these acts to be their volition, and not the personal volition of the King, by inserting their own names in the place of his Privy Council; and avowing it to be an Act done by themselves, both as declared in the body of the instrument, and again at the foot of it, recording the assertion of their own authority in the very place, where, by ordinary forms, the King's own signature should be recorded.

No instruments therefore can be distinguished by stronger marks of difference, or more forcibly exhibit the different sources of their respective authority.

This may indeed be called, as it certainly is, a strong act of power, and to be justified only by the necessity of the case. But such a transaction cannot be characterized as a fiction, fraud, or forgery, without an utter perversion of all the ordinary uses of language.

But let those who will not accept this answer as a satisfactory refutation of these charges, and who contend that these are such impediments and stops to our progress as are and ought to be insuperable, let them see what must follow, if we were now to abandon this proceeding. For it is quite clear, that in such a case the Regent himself must resort within a week or a month at the farthest, to the same identical authority, and to the same fiction, if it be such; or his government cannot be solid and durable. He must come to the two Houses for a confirmatory Statute, or he must endeavour to govern by force of our Address, which he will find to be unavailing for all practical ends of government.

In the first place, if there is to be a Statute, the commission for passing it cannot be in any other name than that of his Majesty; and for the use of that name, there can be no foundation but our advice and assent: To that commission also there can be no Sign Manual of the King; and what then becomes of the statute of 33 Henry 8? And will the Regent's own assent satisfy the hon. baronet's argument upon the letter of the statute 13 Car. 2. which requires that of the King himself? The royal assent at least, whether it be given by commission, or by the Regent in person, must then equally be given, in the name of him, whom you have already declared to be incapable of having any volition whatever.

In short, that must be done by the Regent, (with all the same objections, such as they are,) done also to establish his own power by his own act, and done by him circuitously, which we are now prepared to do for him at once, and before-hand.

But if there is to be no confirmatory statute, and the Regent's government is to rest wholly upon our Address, the Regent must still necessarily use the King's name, without the King's authority: and although the Great Seal may be in his hand, and its acts unimpeachable, is it equally clear that the Privy Seal Officers will obey its mandate, or that every act of the Privy Seal will be equally unquestionable? And moreover is it clear that the multitudinous acts of royal authority which pass only under the Sign Manual, for the grant and execution of all offices and authorities, civil, military, and ecclesiastical, will be acknowledged by those whose lives and fortunes may come under their operation? Or rather, is it not manifest that they must and would be contested in every court of justice where litigation can enter?

To resort to our votes as the foundation of the power exercised by the Regent, it is true, would in such case be just and natural; but we could only place in his hands our Mace, instead of a Sceptre. And why then should we expose the Regent's dignity and the nation's interests, to such a hazard, when by a Statute we can at once clothe his authority with an armour that will be impenetrable, and deliver into his hands a sword that will be irresistible?

The result of the whole is this; that in every way of viewing this question, the course to be taken is not by Address, but by Bill.

1st. The Regency must be defined, whatever be the description of its powers; and the Regent must be appointed by us. 2dly. Not the Regent alone, but the reigning monarch also must be provided for; in all cases, as to his present welfare, and in most cases to assist him in the resumption of his power. And 3dly, these ends should both be accomplished by one and the same measure of equal solemnity as to both, of contemporaneous effect, and of universal obligation: all which can only be done by a statute: And for these reasons, I am now prepared to give my full and ready concurrence to the Resolution sent down to us by the Lords; with the clearest conviction that this proceeding is at once the most reverential to the Sovereign, the most effectual for the Regent, and the most beneficial for the Empire.

Mr. *Ponsonby* felt the highest respect for the authority and talents of the right hon. gent. who had just addressed the Committee, but, in consequence of the allusions that had been made to what had fallen from himself, he conceived himself called upon to offer a few observations. It was extremely natural that the right hon. gent. holding the situation he filled with so much ability, now that the House had decided in favour of the proceeding under consideration, should be partial to it, and give it his support. But whilst he felt the highest respect for that right hon. gent. he should discuss his arguments with the most perfect freedom. The right hon. gent. had mistaken altogether the drift of his argument, when he supposed that he applied the term fiction to the present part of the proceeding. He had never said that the fiction consisted in using the King's name, as in this instance, but in parliament adopting a proceeding, implying the consent of the King, after both Houses had decided that he was incapable of giving such consent. The right hon. gent. had asked, if they were to proceed by Address, how the authority of the Regent could be considered as known to the country without an Act of Parliament to confirm it? Certainly it could not; but all that Parliament had to do in the first instance, was to supply the deficiency in the royal authority, to make a substitute for the incapable Sovereign, personally competent to give the Royal assent to the Act. This was the course pursued at the Revolution. The fiction he complained of was not in the wording of the Commission, but that the instrument implied a consent which parliament had declared the King incapable of giving. But the right hon. gent. had asked, whether they could be sure, that if the Regent were to be appointed by Address, his authority would be recognised and submitted to by the country? The right hon. gent. however, must recollect that nobody had ever said that it would, unless confirmed by an Act of legislation. Every man must know, that if the Regent should give the royal assent to such an Act, it would be binding upon the whole nation. He knew not what latent virtue might reside in the form or metal of the Great Seal, that could give to this proceeding a higher claim to authority than the course by Address; but the argument, if worth any thing, would revert upon those who used it. Might it not with equal force be asked, how they could be sure that this course of proceeding would be submitted to by the nation, or recognised in the courts of justice? It was the assuming the King's consent, when it was known that he was incapable of consenting, that constituted the fiction, the fraud, and the usurpation of the royal authority in this case; whereas the proceeding by Address pointed a plain and simple plan of attaining their object—a course congenial to the principles of the Constitution, and conformable to the uniform practice of parliament in the best of times. The course of proceeding, whether by Bill or by Address, was to be justified by the necessity of the case; but in both cases requiring to be confirmed by an Act of the two Houses of Parliament. The whole question then was, whether it would be better to proceed by Address, according to the precedent of the Revolution, or by Bill as in the present proceeding. He had thought it necessary to say thus much as the right hon. gent. had addressed so much of his speech to what had fallen from him: he did not mean to extend the debate to any length, and should therefore content himself with repeating his solemn protest against the whole proceeding.

The *Chancellor of the Exchequer* felt it unnecessary, after the able and argumentative speech of his right hon. friend near him, to attempt to add any thing to what had been so forcibly urged by him. After that speech, he thought it impossible to throw any additional light upon the subject; but he must remind the Committee, that no part of that constitutional and able argument was to be ascribed to a predilection for the proceedings sanctioned by that House in consequence of the situation so ably filled by his right hon. friend. If his right hon. friend had delivered his opinion to the Committee without argument, there might be room for such a supposition: but when they found him stating his opinion upon the fullest deliberation, and supporting it with arguments not only conclusive in themselves, but which had actually refuted all the arguments on the other side, it was not just to impute this opinion to any partiality for the proceedings of that House.—Having said thus much in vindication of his right hon. friend's argument, he should proceed to reply to an observation of the right hon. gent. opposite, when he charged his right hon. friend with having misunderstood him, as to his application of the harsh terms, fraud and fraudulent fiction, to the proceeding before the Committee. Upon this point he must remark, that towards the close of his speech the right hon. gent. had admitted, that the proceeding by Address would not be complete without being confirmed by an Act of Legislation. If that were the case, then he must contend, that all the objections to the proceeding by Bill would apply with more force in several respects, and with equal force in every other instance, to the proceeding by Address. They would have the same use of the King's name without the King's authority, and the same assumption of his volition without his being capable of expressing his will. The right hon. gent. had adverted to the case of the Revolution, but he seemed to forget that the state of the facts was wholly different. Did the right hon. gent. mean to say that the Regent, by Address, was to give the royal assent in his own name? If not, whether they were to proceed by Bill, or by Address, then the royal assent would be to be given to the Bill establishing the Regent's authority in the King's name. If the Regent could not give the Royal assent but by the authority of parliament, why might not Parliament at once give authority to the commissioners in this commission named to signify such assent? The objection would apply equally, or with more force to the mode of proceeding by Address; and this was the great answer to all the arguments which had been advanced on the other side. He trusted confidently that they would have the universal concurrence of the nation in this proceeding—that all classes of their fellow subjects would feel, that in providing for the deficiency in the executive, they had adhered as clossely as possible to the forms of Parliament and the principles of the constitution. It was their bounden duty, with a view to this object, to resort to the authority of the Great Seal in the earliest possible stage of the proceeding, in order to clothe it with the authority of law, and give to its provisions the effect of legislative sanction. The courts of law would be bound by the Great Seal, and an act such as that, to which, by this commission, the royal assent was to be given, when certified to them under the Great Seal, would be equally binding and imperative upon the Judges, as upon every other class of the subjects of this realm.

Mr. *Ponsonby*, in explanation, stated, in order to correct the misunderstanding of the right hon. gent., that what he had said, was, that they should in this instance follow the precedent at the Revolution, by putting, by Address, into the place of the third branch of the legislature, a person, who might have the power to assent or dissent—to exercise volition or nolition—as to any acts which might pass the two other branches of the legislature. In the present proceeding they proposed to give the royal assent to a measure, when the sovereign was incapable of expressing assent or dissent to it; and this was what he considered the fiction and the fraud. The rational mode of proceeding would be, first, to provide the substitute for the King, to express the King's will; and then, when the three branches were entire, to proceed to legislate. As to the apprehension that the proceeding by Address would not be assented to by the public or the courts of law, the same objection might be made to the present proceeding.

The *Chancellor of the Exchequer* felt sorry that he should have misunderstood the right hon. gent. but now that he had explained what he meant, he must say, that in whatever way he took the right hon. gent.'s statement, it would be equally open to his argument: for, if the Regent were to be appointed, how could he know what powers he was to have till they should be defined by act of parliament? and as he could not give the royal assent to such act in his own but in the King's name, it would come to the same thing in the end as the giving the royal assent without the consent of the King in person. In that case the King's assent would be to be signified by the Regent without his authothority; whereas in this case, parliament, upon its own authority, was to provide for giving the royal assent to the Bill.

Lord *Porchester* observed, in answer to the question, how the Regent, if appointed by address, could know what powers he was to have, that the address invited him to take upon himself the whole administration of the government, and that it was not to be supposed that the Regent was the only man in the kingdom who was ignorant of what the powers of the executive were. What he and his friends contended for was, that before they should proceed to legislate they should provide a constitutional substitute for the King, who should be capable of supplying his defective volition. But this commission would not supply that royal volition, because the commissioners would only be authorised to signify assent without the power of dissenting. The duty of the parliament was to provide a person having the power of assent and dissent to represent the royal will, and not to attempt to give validity to their own act by their own volition. If they should proceed by address, they would, in the first instance, supply the defect in the executive; but if they should proceed to legislate without the third branch complete, in fact or by substitution, there was no knowing where the business may end. This was the great and strong argument against the proceeding, that upon such a precedent, a future parliament might found the subversion of the monarchy, and the overthrow of the constitution. With respect to the use of the Great Seal, he must remind the Committee, that the parliament of Charles 1, which overturned the monarchical constitution, had the possession of the Great Seal for a year and a half in the beginning of the civil war, and yet had never had the presumption or the folly to use it. Upon all these grounds he should protest against the whole proceeding.

Mr. *Adam* did not wish to prolong this discussion, but could not avoid expressing his concurrence in the sentiments delivered by the noble lord who had just sat down. This was an act of the two Houses, without the necessary assent of the third authority, given on the responsibility of its advisers, and was therefore deficient in form, constitution, and character. Had they proceeded by Address, they would have created a representative of the Royal Authority, who would exercise his own volition, and not that of the person whom he represented. The former mode was analogous with all precedents, and with the spirit of the Constitution: the latter was diametrically hostile to all. With respect to what had fallen from a right hon. gent. (the Speaker) on the precedent of the Revolution, he begged leave to say, that in all that was done at that time, the different parties concerned had it in their intention as much to legislate for a Regency, as for the bestowing of Kingly powers, and Address was the only mode proposed in either case. That precedent was, therefore, completely in point, and bore him and those of the same opinion out in their arguments in favour of the line recommended by them.

Mr. *Sheridan*, after what had been said this night, felt it impossible to give a silent vote on the occasion. They had heard at some length from the right hon. gent. who filled the Chair of the House with so much credit and honour to himself, a statement of his sentiments in favour of the proceedings of the House, delivered with all that candour and temper which was peculiar to him; and he must do that right hon. gent. the justice to say, that he considered what he had said, as the best that could be said, and all that could be said in favour of the present proposition.—The right hon. gent. found great fault with those who would not in the commencement of the proceedings allow this House to be a House of Commons. He would say that they were deficient in all the requisites of a House of Commons; they had no committee of privileges for instance; and numberless other requisites were wanting to constitute them a House of Commons. It would have been gratifying had the right hon. gent. condescended to inform the members a little more minutely than he had done, what the circumstances were in which a House of Commons differed from a Convention.—The right hon. gent. alluded to a speech of his predecessor in that Chair, which was made in his recollection, and perhaps in the recollection of a few other members of that House. He had no doubt but that lord Grenville delivered his sentiments most conscientiously on that occasion, but he should have thought that it was beneath the character of that right hon. gent. who was so capable of reasoning himself, and of giving reasons for his sentiments, to refer in the manner he had done to what any of his predecessors in the Chair might have said. This was so like the conduct of the subalterns in office on the other side of the House, that he could have wished the right hon.

gent. had not adopted it. The great mistake, he contended, that ran through all the arguments which had been urged in favour of the proposition now before them, was, that they were perpetually mistaking the person and the office. This was a fundamental error which run through all their arguments.—It had been said that the statute of Charles 2. had no application to the present case. But he contended that it applied exactly to the present case. That statute declared expressly, that it was high treason to make a law without the consent of the King; and if they were parties to such a measure, they were guilty of misprision of treason. He would sincerely advise those who had carried through the present measure to secure themselves afterwards by an Act of Indemnity for their gross violation of the law of the land.—He should have thought that the right hon. the Speaker would have wished to keep the functions of the three estates of the realm as separate and distinct as possible; and as he was sure that he would never have given his consent that the Crown should encroach on the rights of the people, that in the same manner he would endeavour to prevent parliament from encroaching on the rights of the Crown. He, for his part, had no hesitation in stating, that the House, when they forgot their duty by encroaching on the prerogatives of the Crown, forfeited their title to be considered as the representatives of the people.—With respect to the precedent of 1788 and 1789, on which so much stress had been laid, there were many gentlemen on the other side who thought it impossible to carry the imitation of it too far. He observed some of those gentlemen so enthusiastic in their admiration of that measure, so lavish in their terms of commendation, and so scrupulous in adhering to it in every particular, that, he was afraid if the proceedings of the present period did not in every respect resemble those in 1789, they might doubt their validity; and as a Speaker of this House died during the former period, they might think that the death of our present Speaker was, in like manner, necessary at present. But when he saw the right hon. gent. in such plump condition, and enjoying to all appearance an excellent state of health, he thought that they were long likely to enjoy the benefit of his wisdom and abilities, and need hardly be alarmed on his account. Those gentlemen would therefore, in all likelihood, be deprived of that part of the coincidence of the present measure with their favourite precedent of 1788.

The question was then put and carried. The House resumed, and Mr. Lushington brought up the Report of the Committee, and the Resolution was read and agreed to.

Sir *T. Turton* then moved a long Amendment, taking away the whole of the words of the original motion after the word "that" and supplying a declaration, "That the two Houses in directing the Great Seal to be used as proposed, were guilty of an assumption of the Royal Prerogative, in direct opposition to the statute law, which declares there can be no legislation without the King. That while such an act was wholly unprecedented, it was in itself at variance with the Resolutions previously come to by the states of the realm, and went to establish a most dangerous precedent. That such proceedings were wholly unnecessary and might easily have been avoided, and might even now, as it was not yet too late to proceed by Address, which would obviate the evils complained of."

The Amendment was put and negatived; after which, a Message was ordered to be sent to the Lords, to desire a Conference on the subject matter of the Conference held yesterday.

HOUSE OF LORDS.

Tuesday, February 5.

[The Regency Bill passed.] A Message was received from the Commons desiring a Conference on the subject matter of the last Conference, which was agreed to.—Mr. Quarme, the Deputy Usher of the Black Rod, came to the bar, and announced that the Commons were ready for the Conference in the Painted Chamber.—The Lords appointed to manage the Conference, namely, the Lord President (earl Camden), the Lord Privy Seal (earl of Westmorland,) the Lord Steward of the Household (earl of Aylesford), earl Graham (duke of Montrose), the earl of Liverpool, the Bishop of Salisbury, marquis Wellesley, lord Walsingham, and lord Kenyon, went forth.—On their return soon afterwards, earl Camden reported the communication by the Commons of their agreement to the Resolution of Saturday last, filling up the blank with the words "and Commons."—The Lord Chancellor put the question to adjourn during pleasure, which was agreed to.—His lordship shortly afterwards re-entered the House in his robes, and said from the Woolsack, "My lords, a Commission has issued under the Great Seal, for giving the Royal Assent to an Act which has passed both Houses of Parliament." The archbishop of Canterbury, the Lord Chancellor, the Lord President of the Council (earl Camden), the Lord Privy Seal (earl of Westmoreland) and the Duke of Montrose, took their seats as Commissioners, for giving the Royal Assent to the Regency Bill. Mr. Quarme the Deputy Usher of the Black Rod was sent to desire the attendance of the Commons. Shortly afterwards the Speaker and a great number of Members of the House of Commons came to the bar.

The *Lord Chancellor* said, "My Lords and Gentlemen of the House of Commons, inasmuch as for certain causes, his Majesty cannot conveniently be present here this day, a Commission has issued under the Great Seal, to us and other Lords directed [reciting the Letters Patent, of the 15th of January,] for opening and holding this present Parliament, and the passing of an Act agreed upon by both Houses, and notifying the Royal Assent to the said Act, which Commission you will now hear read."—The Commission having been read,

The *Lord Chancellor* said, "My Lords and Gentlemen—in obedience to the commands, and by virtue of the powers and authority to us given by the said Commissions, one of which you have now heard read, we do declare and notify his Majesty's Royal Assent to the Act in the said Commission mentioned, and the clerks are required to pass the same in the usual form and words."

Mr. Rashleigh, the Deputy Clerk of the Crown, then read the title of the Act, and Mr. Cowper, the Clerk Assistant of the Parliaments, passed the Act in the usual words, viz. "*Le Roi le veut.*"

The Commons withdrew from the bar, and the Lords Commissioners quitted their Bench.

HOUSE OF COMMONS.

Tuesday, February 5.

Mr. Lushington informed the House, that the Lords had agreed to hold the Conference requested by the Commons, in the Painted Chamber, immediately.—On the motion of Mr. R. Dundas it was ordered, that the Lords should be informed that the Commons had consented to their Resolution, and filled up the Blank with the words "and Commons."—The managers of the last Conference, with the addition of the Lord Advocate of Scotland and Sir J. Nicholls, were ordered to manage the Conference then to be held. On the return of the persons appointed to hold the Conference, Mr. R. Dundas informed the House, that the Conference had been held, and the assent of the Commons to the Resolution communicated, in obedience to the order of the House.

The Deputy Usher of the Black Rod summoned the House to the House of Peers, to hear the Royal Assent to the Regency Bill. The Speaker on his return reported, that the House, at the desire of the Lords, authorized by virtue of his Majesty's Commission, had been at the House of Peers, where a Commission under the Great Seal was read, giving, declaring, and notifying, the Royal Assent to the Bill therein mentioned; and that the Lords thereby authorized had declared the Royal Assent to the said Bill.

[The Regency Bill as passed.] The following is a copy of the Regency Bill as it passed the two Houses:

An Act to provide for the Administration of the Royal Authority, and for the Care of His Majesty's Royal Person, during the Continuance of his Majesty's Illness; and for the Resumption of the Exercise of the Royal Authority by His Majesty.

WHEREAS by reason of the severe Indisposition with which it hath pleased God to afflict the King's most excellent Majesty, the personal exercise of the Royal Authority by his Majesty is for the present so far interrupted, that it becomes necessary to make provision for assisting his Majesty in the administration and exercise of the Royal Authority, and also for the Care of his Royal Person during the continuance of his Majesty's Indisposition, and for the Resumption of the exercise of the Royal Authority by his Majesty; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That his Royal Highness George Augustus Frederick Prince of Wales shall have full Power and Authority, in the name and on the behalf of his Majesty, and under the Stile and Title of "Regent of the United

Kingdom of Great Britain and Ireland," to exercise and administer the Royal Power and Authority to the Crown of the United Kingdom of Great Britain and Ireland belonging, and to use, execute, and perform all authorities, prerogatives, acts of government and administration of the same, which lawfully belong to the King of the said United Kingdom to use, execute, and perform; subject to such Limitations, Exceptions, Regulations, and Restrictions, as are herein-after specified and contained; and all and every act and acts which shall be done by the said Regent, in the name and on the behalf of his Majesty, by virtue and in pursuance of this Act, and according to the powers and authorities hereby vested in him, shall have the same force and effect to all intents and purposes as the like acts would have if done by his Majesty himself, and shall to all intents and purposes be full and sufficient warrant to all persons acting under the authority thereof; and all persons shall yield obedience thereto, and carry the same into effect, in the same manner and for the same purposes as the same persons ought to yield obedience to and carry into effect the like acts done by his Majesty himself; any law, course of office, or other matter or thing to the contrary notwithstanding.

II. And be it further enacted, That as to all authorities given and appointments made in the name and in the behalf of his Majesty, and all other acts, matters, and things usually done under the authority of the Royal Sign Manual, the Signature of the Regent in the form following, that is to say, "George P. R." or in cases where the Royal Signature has usually been affixed in initials only, then in the form "G. P. R.," shall be as valid and effectual, and have the same force and effect as his Majesty's Royal Sign Manual, and shall be deemed and taken to be to all intents and purposes his Majesty's Royal Sign Manual, and be obeyed as such.

III. And be it further enacted, That when his Majesty shall by the blessing of God be restored to such a state of health as to be capable of resuming the personal exercise of his Royal Authority, and shall have declared his Royal Will and Pleasure thereupon, as herein-after provided, all and every the powers and authorities, given by this Act, for the exercise and administration of his Royal Power and Authority, or for the using, executing, and performing the Authorities, Prerogatives, Acts of Government, and Administration of the same, which belong to the King of the United Kingdom of Great Britain and Ireland to use, execute, and perform, or for the care of his Majesty's Royal Person, shall cease and determine; and no act, matter, or thing, which, under this Act, and previous to such declaration might be done in the administration of his Majesty's Royal Power and Authority, or in the using, exercising, or performing any such Authorities, Prerogatives, Acts of Government, or Administration as aforesaid, or in the care of his Majesty's Royal Person, by virtue and in pursuance of this Act, shall, if done after such declaration of his Majesty's Royal Will and Pleasure, be thenceforth valid or effectual.

IV. Provided always, and be it further enacted, That all persons holding any Offices or Places, or Pensions, during his Majesty's Pleasure, at the time of such declaration, under any appointment or authority of the Regent, or her Majesty, under the provisions of this Act, shall continue to hold the same, and to use, exercise, and enjoy all the powers, authorities, privileges, and emoluments thereof, notwithstanding such declaration of the resumption of the Royal Authority by his Majesty, unless and until his Majesty shall declare his Royal Will and Pleasure to the contrary; and all Orders, Acts of Government, or Administration of his Majesty's Royal Authority, made, issued, or done by the said Regent, before such declaration, shall be and remain in full force and effect, until the same shall be countermanded by his Majesty.

V. Provided also, and be it further enacted, That no Acts of Regal Power; Prerogative, Government, or Administration of Government, of what kind or nature soever, which might lawfully be done or executed by the King's most excellent Majesty, personally exercising his Royal Authority, shall, during the continuance of the Regency by this Act established, be valid and effectual, unless done and executed in the name and on the behalf of his Majesty, by the Authority of the said Regent, according to the provisions of this Act, and subject to the Limitations, Exceptions, Regulations, and Restrictions herein-after contained.

VI. And be it further enacted, That the said Regent, before he shall act or enter upon his said Office, of Regent, shall take the following Oaths:

'I do sincerely promise and swear, That

'I will be faithful and bear true allegiance 'to his Majesty King George.

'So help me God.

'I do solemnly promise and swear, That 'I will truly and faithfully execute the 'Office of Regent of the United Kingdom 'of Great Britain and Ireland, according to 'an Act of Parliament passed in the 51st 'year of the reign of his Majesty King 'George the Third, intituled, An Act [here 'insert the title of this Act;] and that I 'will administer, according to law, the 'power and authority vested in me by virtue 'of the said Act; and that I will in all 'things, to the utmost of my power and 'ability, consult and maintain the safety, 'honour, and dignity of his Majesty and 'the welfare of his people.

'So help me God.

'I do faithfully promise and swear, That 'I shall inviolably maintain and preserve 'the Settlement of the true Protestant Religion, 'with the Government, Worship, 'Discipline, Rights, and Privileges of the 'Church of Scotland, as established by the 'Laws made there in prosecution of the 'Claim of Right, and particularly by an 'Act, intituled, "An Act for securing the 'Protestant Religion, and Presbyterian 'Church Government," and by the Acts 'passed in the Parliament of both Kingdoms, 'for Union of the Two Kingdoms.

'So help me God.'

Which Oaths shall be taken before his Majesty's most honourable Privy Council; who are hereby required and empowered to administer the same, and to enter the same in the Books of the said Privy Council.

VII. And be it further enacted, That the said Regent shall, at the time of his taking such Oaths as aforesaid, and before the members of the Privy Council administering the same, make, subscribe, and audibly repeat the Declaration mentioned in an Act made in the 30th year of King Charles the Second, intituled, 'An Act 'for the more effectual preserving the 'King's Person and Government, by disabling 'Papists from sitting in either 'House of Parliament;' and shall produce a Certificate of his having received the Sacrament of the Lord's Supper in any of the royal chapels, signed by the person administering the same; which Certificate shall be sufficient evidence of the said Regent's having received the Sacrament; and such Declaration and Certificate shall respectively be registered in the Books of the Privy Council.

VIII. Provided always, and be it enacted, That until after the 1st day of February 1812, if Parliament shall be then assembled, and shall have been sitting for six weeks immediately previous to the said 1st day of February 1812, or if Parliament shall be then assembled, but shall not have been so sitting for six weeks, then until the expiration of six weeks after Parliament shall have been so assembled and been sitting; or if Parliament shall not then be assembled, then until the expiration of six weeks after Parliament shall have been assembled and sitting, next after the said 1st day of February 1812, the Regent shall not have or exercise any power or authority to grant, in the name and on the behalf of his Majesty, any Rank, Title, or Dignity of the Peerage, by Letters Patent, Writ of Summons, or any other manner whatever, or to summon any person to the House of Lords, by any Title to which such person shall be the Heir Apparent, or to determine the Abeyance of any Rank, Title or Dignity of Peerage, which now is or hereafter shall be in Abeyance, in favour of any of the Coheirs thereof, by Writ of Summons or otherwise.

IX. Provided also, and be it further enacted, That the said Regent shall not, until after the said 1st day of February 1812, or the expiration of such six weeks as aforesaid, have power or authority to grant, in the name or on the behalf of his Majesty, any Office or Employment whatever, in Reversion, or to grant for any longer term than during his Majesty's Pleasure, any Office, Employment, Salary, or Pension whatever, except such offices and Employments in Possession for the term of the natural life, or during the good behaviour of the grantee or grantees thereof respectively, as by law must be so granted: Provided always, that nothing herein contained, shall in any manner affect or extend to prevent or restrain the granting of any Pensions under the provisions of an Act passed in the 39th year of the reign of his present Majesty, intituled, 'An Act for the Augmentation 'of the Salaries of the Judges of the 'Courts in Westminster Hall, and also of 'the Lords of Session, Lords Commissioners 'of Justiciary, and Barons of Exchequer 'in Scotland; and for enabling 'his Majesty to grant Annuities to persons 'in certain Offices in the said 'Courts of Westminster Hall, on their 'resignation of their respective Offices;'

and of another Act passed in the 48th year of the reign of his present Majesty, intituled, 'An Act for enabling his Majesty to grant Annuities to the Judges of 'the Courts of Session, Justiciary, and 'Exchequer in Scotland, upon the resignation of their offices;' and of another Act, passed in Ireland, in the 40th year of the reign of his present Majesty, intituled, 'An Act to enable his Majesty to 'grant Annuities to the Lord High Chancellor, and to the Judges of the Court of 'King's Bench, Master of the Rolls, 'Judges of the Courts of Common Pleas 'and Exchequer, Judge or Commissary 'of the Court of Prerogative, the Judge 'of the Court of Admiralty, the Chairman of the Quarter Sessions of the 'County of Dublin, and Assistant Barristers of the several other Counties, on the 'resignation of their respective Offices;' and to amend an Act passed in the 36th year of his present Majesty, intituled, 'An Act for encreasing the Salaries of 'the Chief and other Judges of the Courts 'of King's Bench and Common Pleas, 'and of the Chief Baron and other Barons 'of the Court of Exchequer in this Kingdom;' or to prevent or restrain the granting of any pensions out of the revenues of the British territories in the East Indies, under the provisions of any Act or Acts of Parliament now in force, to such persons as may have held the office of Chief Justice or other Judge in the Supreme Courts of Judicature at Fort William in Bengal and at Madras, and the Office of Recorder of Bombay.

X. Provided also, and be it further enacted, That nothing in this Act contained shall in any manner affect or extend to prevent or restrain the granting of any Pensions under the provisions of an Act passed in the 41st year of the reign of his present Majesty, intituled, 'An Act for 'the better regulation of his Majesty's 'Prize Courts in the West Indies and 'America, and for giving a more speedy 'and effectual execution to the Decrees of 'the Lords Commissioners of Appeals,' and of another Act passed in the 43d year of his present Majesty, intituled, 'An Act 'for the encouragement of Seamen, and 'for the better and more effectual manning his Majesty's Navy; for regulating 'the payment of Prize Money, and for 'making provision for the Salaries of the 'Judges of the Vice Admiralty Courts in 'the Island of Malta, and in the Bermudas, 'and Bahama Islands;' and also of another Act passed in the 45th year of his present Majesty, intituled, 'An Act for 'the encouragement of Seamen, and for 'the better and more effectually manning of his Majesty's Navy.'

XI. And be it enacted, that nothing in this Act contained shall extend or be construed to extend to empower the said Regent, in the name and on the behalf of his Majesty, to give the Royal Assent to any Bill or Bills in Parliament for repealing, changing or in any respect varying the Order and Course of Succession to the Crown of this Realm, as the same stands now established by an Act passed in the 12th year of the reign of King William the Third, intituled, 'An Act for the further Limitation of the Crown, and better 'securing the Rights and Liberties of the 'Subject;' or to any Act for repealing or altering the Act made in the 13th year of the reign of King Charles the Second, intituled, 'An Act for the Uniformity of 'Public Prayers and Administration of 'Sacraments, and other Rites and Ceremonies, and for establishing the Form 'of making, ordaining, and consecrating 'Bishops, Priests, and Deacons in the 'Church of England:' or the Act of the 5th year of the reign of Queen Anne, made in Scotland, intituled, 'An Act for 'securing the Protestant Religion and 'Presbyterian Church Government.'

XII. Provided also, and be it enacted, That if his said Royal Highness George Augustus Frederick Prince of Wales shall not continue to be resident in the United Kingdom of Great Britain and Ireland, or shall at any time marry a Papist, then and in either of such cases, all the powers and authorities vested in his said Royal Highness by this Act, shall cease and determine.

XIII. And whereas it is expedient that the Care of his Majesty's Royal Person should be committed to the Queen's most excellent Majesty, together with the sole direction of such portion of his Majesty's Household as shall be deemed requisite and suitable for the due attendance on his Majesty's Sacred Person, and the maintenance of his Royal Dignity; Be it therefore enacted, That the Care of his Majesty's Royal Person, and the disposing, ordering and managing of all matters and things relating thereto, shall be, and the same are hereby vested in the Queen's most excellent Majesty, during the continuance of his Majesty's Indisposition; and that the sole direction of his Majesty's Household, except the Lord Chamberlain of his Majesty's Household, the Captain of the Yeomen of his Majesty's Guard, and the Captain of the Honourable Band of Gentlemen Pensioners, shall be and is hereby vested in her Majesty; and her said Majesty shall have the full and sole power and authority, by any Instrument or instruments in writing signed and sealed by her Majesty, to nominate and appoint, in case of any vacancies arising by resignation or death, all the Officers and Persons belonging to his Majesty's Household, in the respective departments thereof, whose appointment, nomination, or removal have heretofore been made by his Majesty; except the Lord Chamberlain of his Majesty's Household, and the Gentlemen and Grooms of his Majesty's Bedchamber, his Majesty's Equerries, the Captain of the Yeomen of his Majesty's Guard, and the Captain of the honourable Band of Gentlemen Pensioners; and the nomination and appointment by her Majesty, in manner and form aforesaid, shall be valid and effectual to all intents and purposes as if the same had been made or done by his Majesty in the accustomed manner; and the several persons so appointed shall be entitled to the like precedence, privileges, salaries, wages, profits, and all other emoluments, as the several persons now holding and enjoying the same offices are respectively entitled to: Provided always, That the power and authority given by this Act to her Majesty to nominate and appoint such persons of his Majesty's Household as are not herein before excepted, shall continue in force until the said 1st day of February, or the expiration of such six weeks as aforesaid, and no longer: Provided also, That her said Majesty shall not have any power or authority to remove any officer in any department of his Majesty's Household, by this Act made subject to the nomination or appointment of her Majesty, who shall have been nominated and appointed by his Majesty: Provided also, That until the expiration of such period as aforesaid, no appointment shall be made to the Office of Lord Chamberlain of his Majesty's Household, now vacant, but that all the duties of the said Office shall be performed by the Vice Chamberlain; and that during such period as aforesaid, no person holding the Office of Gentleman or Groom of his Majesty's Bedchamber, or being one of his Majesty's Equerries, shall be subject to be removed; and no vacancy which shall arise by death or resignation of any of the Grooms or Gentlemen of his Majesty's Bedchamber, or of his Majesty's Equerries, shall be supplied or filled up, or any appointment or nomination made to supply any such vacancy.

XIV. Provided always, and be it further enacted, That it shall not be lawful for any Officer in his Majesty's Household who is by this Act put under the direction of her Majesty, to make any appointment to any Office to which such Officer may have the power of appointment for any longer period than during his Majesty's Pleasure.

XV. And whereas the execution of the weighty and arduous trusts by this Act committed to the Queen's most excellent Majesty, may require the assistance of a Council, with whom her Majesty may consult and advise; Be it therefore enacted, That in order to assist and advise her said most excellent Majesty, in the several matters aforesaid, there shall be, during the continuance of his Majesty's Illness, a Council, consisting of Charles lord archbishop of Canterbury, Edward lord archbishop of York, James duke of Montrose, George earl of Winchelsea and Nottingham, Heneage earl of Aylesford, John lord Eldon, Edward lord Ellenborough, and the right hon. sir William Grant; which Council shall from time to time meet as her Majesty shall be pleased to direct, and shall also have power to meet in manner by this Act directed; and if it should happen that any of them the said Charles lord archbishop of Canterbury, Edward lord archbishop of York, James duke of Montrose, George earl of Winchelsea and Nottingham, Heneage earl of Aylesford, John lord Eldon, Edward lord Ellenborough, or the right hon. sir William Grant, should depart this life, or by instrument in writing communicated to her Majesty, signify their intention to decline to act, then and in such case it shall be lawful for the Queen's most excellent Majesty, from time to time, by an Instrument in writing signed and sealed by her Majesty, revocable at her will and pleasure, to nominate and appoint some one person, being or having been a member of his Majesty's most hon. Privy Council, to be a member of the said Council, to advise and assist her Majesty as aforesaid, in the room and place of each and every of the said Councillors, so departing this life, or declining to act as aforesaid; which nomination and appointment shall be forthwith certified by an Instrument in writing, signed and sealed by her Majesty, to the Lords of his Majesty's most hon. Privy Council, and shall be entered in the Books of the said Privy Council.

XVI. And be it further enacted, That each and every member of her Majesty's Council shall, within the space of five days after his appointment by virtue of this Act, or by virtue of her Majesty's nomination and appointment in manner aforesaid, take an Oath before the Lord High Chancellor or Keeper of the Great Seal, or Commissioners for keeping the Great Seal of Great Britain, or the Lord President of his Majesty Privy Council, or the Chief Justice of the Court of King's Bench, for the time being respectively, or either of them, who are hereby severally and respectively required and empowered to administer the same, when required so to do by any person so appointed a member of her Majesty's Council as aforesaid; and the person administering such Oath, shall give to the member of her Majesty's Council taking the same, a Certificate of the same having been so taken, signed with his hand; which Certificate shall be forthwith transmitted to his Majesty's Privy Council, and entered in the Books of the said Privy Council; and such Oath shall be in the form following; (that is to say),

'I *A. B.* do solemnly promise and swear, 'That I will truly and faithfully counsel 'and advise the Queen's most excellent 'Majesty, according to the best of my 'judgment, in all matters and things relating to the trusts committed to her Majesty, touching the care of his Majesty's 'Royal Person, and the resumption of the 'personal exercise of the Royal Authority 'by his Majesty.'

XVII. And be it further enacted, That her Majesty's Council, or any three or more of them, shall have power and authority at all times, when they shall judge it necessary, to meet, and call before them, and to examine upon oath, the Physicians and all other persons attendant on his Majesty, during the continuance of his Illness, touching the state of his Majesty's Health; and all matters relating thereto; (which Oath any member of the said Council is hereby authorized and empowered to administer ;) and to ascertain the state of his Majesty's Health, by all such other ways and means as shall appear to them to be necessary for that purpose.

XVIII. And be it further enacted, That three or more of the members of the Council appointed to assist her Majesty in the execution of the trusts committed to her Majesty by this Act, shall, in case such trusts shall then be in force, meet on some day in the first week in April, 1811, and some day in the first week of every third month thereafter; and shall, whilst the said trusts shall continue in force, at every such meeting, declare the state of his Majesty's Health at the time of each of such Meetings respectively, and shall forthwith transmit a Copy of such Declaration to the President of his Majesty's most honourable Privy Council, or in his absence to one of his Majesty's Principal Secretaries of State, who shall thereupon cause the same to be inserted in the Books of the Privy Council.

XIX. And whereas it is necessary that effectual provision should be made that his Majesty may resume the personal exercise of his Royal Authority, as soon as his Majesty is restored to such a state of health as to be capable of resuming the same; Be it therefore enacted, That when it shall appear to her Majesty the Queen, and to any four or more of the Council appointed by this Act to assist her Majesty in the execution of the trust committed to her Majesty by this Act, assembled at any meeting held in pursuance of her Majesty's Royal Will and Pleasure signified for that purpose, or assembled under the direction of this Act, or in pursuance of his Majesty's Royal Will and Pleasure signified to her Majesty and her Council for that purpose, which Council of her Majesty is hereby required to assemble in the presence of her Majesty, upon his Majesty's Royal Will and Pleasure being signified for that purpose, that his Majesty is restored to such a state of Health as to be capable of resuming the personal Exercise of the Royal Authority it shall and may be lawful for her said Majesty, by the advice of any four or more of her said Council, to notify the same by an Instrument under her Majesty's hand, and signed also by the said four or more of her Majesty's said Council, and addressed to the Lord President of his Majesty's most hon. Privy Council for the time being, or in his absence to one of his Majesty's Principal Secretaries of State; and the said Lord President or Secretary of State shall and is hereby required, on the receipt thereof, to communicate the same to the said Regent, and to summon forthwith a Privy Council, and the members of his Majesty's most hon. Privy Council are hereby required to assemble in consequence of such Summons; and the said Lord President, or in his absence the said Secretary of State, is required, in the presence of any six or more Privy Counsellors so assembled, to cause the said Instrument to be entered on the Books of the said Privy Council.

XX. And be it further enacted, That if at any time after the said Instrument under the hand of her Majesty, and of four or more of her said Council, shall have been received and entered as aforesaid, his Majesty shall think proper, by an Instrument under his Sign Manual, to require the Lord President of his Majesty's most hon. Privy Council for the time being, or in his absence, one of his Majesty's Principal Secretaries of State, to summon a Council in his Majesty's presence, consisting of any number of persons not less than nine, whom his Majesty shall name, and who shall be or shall have been members of his Majesty's most hon. Council, not being members of her Majesty's Council, the said Lord President or Secretary of State shall and he is hereby required to summon such persons accordingly; and as well the said Lord President or Secretary of State, as the other persons so summoned, shall and they are hereby required to attend at the time and place appointed by his Majesty; and such persons so assembled shall be and be deemed a Privy Council for the purpose herein-after mentioned.

XXI. And be it further enacted, That if his Majesty by the advice of six or more of such Privy Council so assembled, shall signify his Royal Pleasure to resume the personal exercise of his Royal Authority, and to issue a Proclamation declaring the same, such Proclamation shall be issued accordingly, countersigned by the said six or more of the said Privy Council, and all the Powers and Authorities given by this Act shall from thenceforth cease and determine, and the personal exercise of the Royal Authority by his Majesty, shall be and be deemed to be resumed by his Majesty, and shall be exercised by his Majesty, to all intents and purposes, as if this Act had never been made.

XXII. And be it further enacted, That if his royal highness George Augustus Frederick Prince of Wales shall depart this life during the continuance of the Regency by this Act established, or cease to be Regent under any of the provisions thereof, the Lords of his Majesty's most hon. Privy Council shall forthwith cause a Proclamation to be issued, in his Majesty's name, under the Great Seal of the United Kingdom of Great Britain and Ireland, declaring the same: And if her Majesty the Queen shall depart this life during the time that the care of his Majesty's Royal Person shall be committed to her Majesty according to the provisions of this Act, the Regent shall forthwith order and direct a Proclamation, under the Great Seal of the United Kingdom of Great Britain and Ireland, to be issued and published, declaring the same: And in case the Parliament in being at the time of the issuing of any Proclamation declaring the death of the Regent or of her Majesty, or at the time of the issuing of any Proclamation for the Resumption of the personal exercise of the Royal Authority by his Majesty, shall then be separated, by any adjournment or prorogation, such Parliament shall forthwith meet and sit.

XXIII. Provided always, and be it further enacted, That in case any such Proclamation as aforesaid shall issue in any or either of such cases as aforesaid, at any time subsequent to the dissolution or expiration of a Parliament, and before the day appointed by any Writs of Summons then issued for assembling a new Parliament, then and in such case the last preceding Parliament shall immediately convene and sit at Westminster, and be a Parliament to continue during the space of six months and no longer, to all intents and purposes, as if the same Parliament had not been dissolved or expired, but subject to be sooner prorogued or dissolved: Provided also, that if any such Proclamation as aforesaid shall issue in any or either of such cases as aforesaid upon or at any time after the day appointed by any Writs of Summons then issued for calling and assembling a new Parliament, and before such new Parliament shall have met and sat as a Parliament, such new Parliament shall immediately after such Proclamation convene and sit at Westminster, and be and be deemed to be a Parliament in being to all intents and purposes under the provisions of this Act.

XXIV. And be it also enacted, That in case of the death of her Majesty the Queen, the Care of his Majesty's Royal Person, and all and every the Powers and Authorities in and by this Act vested in her Majesty touching the care of his Majesty's Royal

Person, and the disposing, ordering, and managing all matters and things relating thereto, shall be and the same are hereby vested in her Majesty's Council, until due provision shall have been made in relation thereto by Parliament: Provided nevertheless, that in such case, nothing in this Act contained shall extend or be construed to extend to empower the Regent, or the said Council, to nominate, appoint, or remove any of the Officers or Persons of his Majesty's Household, by this Act made subject to the nomination, appointment or removal of her Majesty, until due provision shall have been made by Parliament in that behalf.

XXV. And be it further enacted, That if any person, being a member of the House of Commons, shall accept of any Office of Profit from the Crown, by the nomination and appointment of the Regent in the name and on behalf of his Majesty, or of her Majesty the Queen during the continuance of the Regency hereby established, the Election of such member shall be and is hereby declared to be void, and a new Writ shall issue for a new Election, in such and the like manner as if such person had been appointed to such Office by his Majesty.

XXVI. And be it further enacted, That the several Letters Patent, Letters of Privy Seal, and all other lawful authorities, of what nature or kind soever, which have been granted or issued by his Majesty, by virtue whereof any payments of any sum or sums of Money are directed to be paid out of the monies applicable to the use of his Majesty's Civil Government, for the use of the Queen's most excellent Majesty, or for the use of any of the branches of his Majesty's Royal Family, shall continue to be, and the same are hereby enacted to continue and be of full force and effect respectively, during the continuance of the Regency by this Act established; and that Warrants shall be issued by the Lord High Treasurer, or Lords Commissioners of the Treasury, for the payment of the several sums therein respectively contained; which Warrants the said Lord High Treasurer, or Lords Commissioners of the Treasury, are hereby respectively required to issue at the usual and accustomed times, and in the usual and accustomed manner.

XXVII. And be it further enacted, That the Lord High Treasurer or Lords Commissioners of his Majesty's Treasury for the time being shall direct, and they are hereby required annually to direct the sum of 60,000*l.* to be issued out of the monies of the Civil List Revenues to the Keeper of his Majesty's Privy Purse for the time being, in like manner, and at such times and in such proportions as has heretofore been usual and accustomed in respect to the issue of the sum of 60,000*l.* as aforesaid; and that the said Keeper of his Majesty's Privy Purse shall, and he is hereby authorised and directed, during the continuance of his Majesty's indisposition, out of the monies so issued to him, to make such payments, and issue and apply such sums (not exceeding the sum of 15,461*l.* in the whole in the year), to such persons, in such proportions, and at such times, for such purposes, and on such accounts and in such manner as he hath heretofore usually paid, issued and applied the same by the authority and direction of his Majesty; and the said Keeper of his Majesty's Privy Purse shall, and he is hereby authorised and directed to issue and pay to such persons as her Majesty may think proper to appoint for this purpose, out of such 60,000*l.* as aforesaid, such sums of money, (not exceeding 4,215*l.* in each quarter of the year in the whole, the first payment whereof shall be made for the current quarter as soon as may be after the passing of this Act) as her Majesty shall, by any order or orders in writing made for that purpose, direct, to be by such persons so to be appointed as aforesaid, paid and applied in such sums and proportions, and to such persons and for such purposes, and upon such accounts, and in such manner, as the same have been heretofore accustomed to be paid and applied, under the immediate direction and authority of his Majesty; and such persons, so appointed as aforesaid, shall, before any such money shall be issued to him after the passing of this Act, take an oath before some one of her Majesty's Council (which Oath each of her Majesty's said Council is hereby authorised to administer) that he will faithfully apply and will justly account to her Majesty for the faithful application of such sums of Money so issued to him as aforesaid; and such persons so appointed as aforesaid, shall from time to time, within one month after the receipt of every such sum as aforesaid, render to her Majesty a just and true account of the application thereof: Provided also, that the remainder of the aforesaid sum of 60,000*l.* shall be invested by the said Keeper of his

Majesty's Privy Purse in some of the public funds, or Government Securities, in the name of the Keeper of his Majesty's Privy Purse for the time being, in trust for his Majesty; and that the next surplus of the Revenues of the Duchy and County Palatine of Lancaster shall be from time to time paid under the Order of the Chancellor and Council of the said Duchy, into the hands of the Keeper of his Majesty's Privy Purse, whose receipt shall be a sufficient discharge for the same, and shall by him be invested in some of the public Funds or Government Securities, in manner aforesaid; and that the Governor and Company of the Bank of England shall place the said several sums on an Account to be raised in the Books of the said Governor and Company intituled, "The Account of the Keeper of his Majesty's Privy Purse;" and that upon the death or resignation of the present and every other Keeper of his Majesty's Privy Purse hereafter to be appointed, all and every the said stock or stocks and sum or sums of money arising from the dividends which shall accrue thereon, shall immediately vest in the successor of the present or any future Keeper of his Majesty's Privy Purse respectively, and the Keeper of his Majesty's Privy Purse for the time being is hereby required to lay out and invest the dividends so accruing as aforesaid from time to time, in the purchase of other Stocks and Securities on the like account, and that the Keeper of his Majesty's Privy Purse for the time being, shall from time to time execute Declarations of Trust of all such Funds and Securities, declaring that the same are held in trust for his Majesty, by instruments to be executed under his hand and seal, to be deposited with her Majesty.

XXVIII. Provided always, and be it enacted, That the said Keeper of his Majesty's Privy Purse, and such person so to be appointed as last aforesaid by her Majesty, shall on or before the first day of January 1812, and on or before the first day of January in every succeeding year during the continuance of this Act, respectively take an Oath before the Barons of the Court of Exchequer, or one of them, in the form following:

'I *A. B.* do swear, That according to 'the best of my knowledge, belief, or 'information, no part of the money which 'has been issued to me for the service of 'his Majesty's Privy Purse, by virtue of 'an Act intituled, An Act [here insert the 'Title of this Act], between the first day 'of January
'and the first day of January
' has been applied directly or indi'rectly for the benefit, use, or behoof of 'any Member of the House of Commons, 'or, so far as I am concerned, applicable, 'directly or indirectly, to the purpose of 'supporting or procuring an interest in 'any Place returning Members to Parlia'ment. So help me God.'

XXIX. And whereas an Act passed in the 39th and 40th years of the reign of his present Majesty, intituled, 'An Act 'concerning the disposition of certain 'real and personal Property of his Ma'jesty, his heirs and successors, and also 'the real and personal Property of her 'Majesty, and of the Queen Consort for 'the time being:' and whereas it is necessary that provision should be made for the care of the real and personal Estate and Property of his Majesty, during his indisposition, and for the preservation thereof for the use and future disposal of his Majesty; be it therefore enacted, That all persons having the care or management of his Majesty's real or personal Estate or Property, or any part thereof, now vested in any trustees for the use of his Majesty, shall be and are hereby made and declared to be subject to the controul, order, direction, appointment, and removal of the several and respective trustees of the real and personal Estate and Property of which they are respectively in the care and management; and shall from time to time, and whenever required so to do account to the respective trustees of the several and respective parts of the real and personal Estate and Property of which they so have the care and management, for all the rents, issues, profits, dividends, interest and sums of money arising or accruing the reform respectively; and shall apply, pay over, lay out, invest, or otherwise dispose of the same, for the use of his Majesty, in such manner as shall be from time to time ordered and directed by such trustees respectively and as to such trustees shall appear most adviseable and beneficial for the care and improvements of such real and personal Estate and Property, and the preservation thereof, for his Majesty's use and future disposal: and all the real and personal Estate and Property of his Majesty, in relation to which no disposition shall have been made by his Majesty before his illness and which shall not now be vested in any trustee or trustees for his Majesty's use, shall immediately from and after the passing of this act vest in the Queen's most excellent Majesty, his Royal Highness, the Regent, and the Keeper of his Majesty's Privy Purse for the time being, as trustees thereof, for the use of his Majesty, and for the protection and care thereof during his Majesty's Illness, and preservation thereof for his Majesty's use and future disposal; and her said Majesty, and his said Royal Highness the Regent, and the Keeper of his Majesty's Privy Purse, may appoint a Secretary and such other persons as may appear to them to be necessary for the management of and keeping the Accounts of the said trust, with such salaries to be paid out of the proceeds of the trust property, as may appear to the said trustees to be proper; and all persons in the care and management of any real or personal Estate or Property, so vested in such trustees as last aforesaid, under this Act, shall in like manner as aforesaid be subject to the order, controul, direction, appointment, or removal of such trustees as last aforesaid, and shall account to such trustees in like manner as is herein before directed, in relation to such real and personal Estate and Property as was vested in trustees before the passing of this Act; and shall in like manner as aforesaid apply, pay over, lay out, invest, or otherwise dispose of the rents, issues, profits, dividends, interests, and sums of money arising or accruing therefrom respectively, according to the order and direction of such trustees as aforesaid: Provided always, that all dividends arising from any Public Funds or Securities shall be from time to time invested and laid out in the purchase of other like Funds or Public Securities, unless any other order or direction shall be given by the trustees thereof respectively: and all trustees in whom any real or personal Estate or Property was vested, before the passing of this Act, or in whom the same is vested by the provisions of this act, shall hold all such Estates and Property for the use and benefit of his Majesty, and preserve the produce thereof, and of all rents, issues, profits, dividends, interest and sums of money, arising and accruing therefrom, for his Majesty's use and benefit, and for the future disposal of his Majesty, in case no disposition shall have been made thereof by his Majesty before his illness; and all such real and personal Estate and Property, and rents, issues, profits, produce, dividends, interest, and sums of money aforesaid, arising and accruing therefrom, whereof no disposition shall have been made by his Majesty before his illness, shall, if no disposition thereof shall hereafter be made by his Majesty, go and be disposed of according to law: Provided always, that nothing in this act contained shall be construed to invalidate or in any manner to affect any disposition which shall have been made, or which shall hereafter be made, by his Majesty, by deed, will, or otherwise, of any such property or proceeds thereof as aforesaid, either before or after his Majesty's illness, which would have been or would be a good and valid disposition of such Property, if this act had not passed.

XXX. And whereas his Majesty hath been accustomed from time to time, by the advice and on the recommendation of the Commissioners of the Treasury, to make grants out of the Droits of the Crown and of the Admiralty to persons concerned or interested in the capture of any vessels and cargoes, or other property, condemned to or becoming vested in his Majesty, as Droits of the crown or of the Admiralty, or to persons praying for relief as of his Majesty's Bounty in any cases of damage or injury sustained by them on account of or in any manner connected with any capture or prize, or occasioned by any engagement with ships of the enemy; be it therefore enacted, That the said Regent shall have full power and authority, by the advice and on the recommendation of the Commissioners of the Treasury for the time being, or any three or more of them, out of the Droits of the Crown or the Droits of the Admiralty, or any part or parts thereof, from time to time to make any such Grants to persons concerned or interested in the capture of any vessels or cargoes, or other property, which have been or may hereafter be condemned to or become vested in his Majesty as Droits of his Crown or of the Admiralty, or to any person or persons praying for relief in any cases of damage or injury sustained by or on account of any matter or thing arising out of or in any manner connected with capture or prize, or occasioned by any engagement with ships or vessels of the enemy, in such manner as his Majesty hath heretofore by the advice of the said Commissioners been accustomed to make any Grants of the same.

HOUSE OF LORDS.

Wednesday, February 6.

The Lord Chancellor being detained at the Council held at Carleton House, did not take his seat on the woolsack till nearly five o'clock, when some judicial and private business was disposed of. It was ordered by their lordships, that no Petitions for Private Bills be received after Monday, 25th inst.—Also, That no Reports from the Judges upon Petitions presented for Private Bills, be received after Monday, 1st of April next.

The House then adjourned till Tuesday.

HOUSE OF COMMONS.

Wednesday, February 6.

At a few minutes after four, the Speaker not being returned from the Council, Mr. Lee, the Clerk, informed the members present, that there was of course no House, upon which they withdrew.

HOUSE OF COMMONS.

Thursday, February 7.

The Speaker took the Chair a few minutes before four o'clock, and immediately addressed the House as follows:—

"I have to make my excuses to the House for my absence yesterday; but as that circumstance was owing to my having been accidentally detained at the Privy Council, assembled to administer the oaths to his royal highness the Prince Regent, I humbly presume to hope that the House will grant me their pardon." (A general cry of hear! hear!)

A message from the Lords announced the permission of their lordships to the earl of Ross, to attend on the Committee on sinecure offices.—A new Writ was ordered for the borough of Ashburton, in the room of Walter Palk, esq. who had accepted the stewardship of the Chiltern Hundreds.—On the motion of the Chancellor of the Exchequer, it was ordered, that on its rising, the House should adjourn to Tuesday; but that all Committees should have leave to sit, notwithstanding.—Adjourned to Tuesday.

HOUSE OF LORDS.

Tuesday, February 12.

After making some orders in Appeal cases and transacting private business, the Lord Chancellor about a quarter past four, said, "My Lords, it not being convenient for his royal highness the Prince Regent to be personally present here this day, a Commission has issued under the Great Seal for opening and declaring further causes for holding this Parliament. Is it your lordships' pleasure to adjourn to robe?"—The House accordingly adjourned.

After a short interval the Lord Chancellor re-entered the House in his robes; and the Archbishop of Canterbury, the Lord Chancellor, the Lord President of the Council (earl Camden), the Lord Privy Seal (earl of Westmoreland), and the duke of Montrose took their seats as Commissioners, authorized by the Prince Regent in the name of his Majesty, to declare further causes for holding parliament.

Mr. Quarme, the deputy usher of the black rod, was sent to the Commons to desire their attendance. In a short time after the Speaker of the House of Commons, accompanied by a numerous assemblage of its members, came to the bar; when the Lord Chancellor addressed the Lords and Commons to the following effect; "My Lords, and Gentlemen of the House of Commons, it not being convenient for his royal highness the Prince Regent to be personally present here this day, a Commission has issued, under his Majesty's Great Seal, authorising his royal highness the Duke of York, and other Lords in the Commission mentioned, in the name and on the behalf of his Majesty, to open and declare certain further causes for holding this Parliament, which Commission you will now hear read." The Commission was then read at the table by the reading clerk.

The Lords Commissioners' Speech.] The Lord Chancellor then read the following Speech:

"My Lords and Gentlemen,

"In execution of the Commission which has now been read to you, we are commanded by his royal highness the Prince Regent, to express in the strongest manner, how deeply he laments, not only in common with all his Majesty's loyal subjects, but with a personal and filial affliction, the great national calamity which has been the occasion of imposing upon his Royal Highness the duty of exercising, in his Majesty's name the royal authority of this kingdom.

"In conveying to you the sense which his Royal Highness entertains of the great difficulties attending the important trust which is reposed in him, his Royal Highness commands us to assure you, that he looks with the most perfect confidence to the wisdom and zeal of Parliament, and to the attachment of a loyal and affectionate people, for the most effectual assistance and support; and his Royal Highness will, on his part, exert his utmost endeavours to direct the powers with which he is invested to the advancement of the prosperity, welfare, and security of his Majesty's dominions.

"We are directed to inform you that his Royal Highness has great satisfaction in being enabled to state, that fresh opportunities have been afforded, during the late campaign, for distinguishing the valour and skill of his Majesty's forces, both by sea and land.

"The capture of the islands of Bourbon and of Amboyna have still further reduced the colonial dependencies of the enemy.

"The attack upon the island of Sicily, which was announced to the world with a presumptuous anticipation of success, has been repulsed by the persevering exertions and valour of his Majesty's land and sea forces.

"The judicious arrangement adopted by the officers commanding on that station, derived material support from the zeal and ardour which were manifested during this contest by the inhabitants of Sicily, and from the co-operation of the naval means which were directed by his Sicilian Majesty to this object.

"In Portugal, and at Cadiz, the defence of which constituted the principal object of his Majesty's exertions in the last campaign, the designs of the enemy have been hitherto frustrated. The consummate skill, prudence, and perseverance of lieutenant-general lord viscount Wellington, and the discipline and determined bravery of the officers and men under his command, have been conspicuously displayed throughout the whole of the campaign. The effect of those distinguished qualities, in inspiring confidence and energy into the troops of his Majesty's allies, has been happily evinced by their general good conduct, and particularly by the brilliant part which they bore in the repulse of the enemy at Buzaco. And his Royal Highness commands us further to state, that he trusts you will enable him to continue the most effectual assistance to the brave nations of the Peninsula, in the support of a contest which they manifest a determination to maintain with unabated perseverance; and his Royal Highness is persuaded, that you will feel, that the best interests of the British empire must be deeply affected in the issue of this contest, on which the liberties and independence of the Spanish and Portuguese nations entirely depend.

"We have it likewise in command to acquaint you that discussions are now pending between this country and the United States of America; and that it is the earnest wish of his Royal Highness that he may find himself enabled to bring these discussions to an amicable termination, consistent with the honour of his Majesty's crown, and the maritime rights and interests of the United Kingdom.

"Gentlemen of the House of Commons,

"We are directed to acquaint you, that his royal highness the Prince Regent has given his commands that the estimates for the expenditure of the current year should be laid before you; and his Royal Highness has great satisfaction in acquainting you, that although the difficulties under which the commerce of this kingdom has laboured, have in some degree affected a part of his Majesty's revenue, particularly in Ireland, yet that the revenue of Great Britain in the last year, though unaided by any new taxation, is greater than was ever known in any preceding year. And his Royal Highness trusts to your zeal and liberality to afford his Majesty adequate supplies for the support of the great contest in which he is necessarily engaged.

"My Lords and Gentlemen,

"We are commanded by his Royal Highness to declare to you, that it is the most anxious wish of his heart, that he may be enabled to restore unimpaired into the hands of his Majesty the government of his kingdom; and that his Royal Highness earnestly prays that the Almighty may be pleased in his mercy to accelerate the termination of a calamity so deeply lamented by the whole nation, and so peculiarly afflicting to his Royal Highness himself."

The Commons then withdrew from the bar, and the Commissioners quitted their bench.—The House adjourned during pleasure.—After a short interval, the Lord Chancellor re-entered the House, and soon after five his Lordship again read the Speech, which was also read at the table by the reading clerk.

The Earl of *Aberdeen* then addressed their lordships, and said, That, in rising to move an Address to his Royal Highness the Prince Regent for the gracious Speech, which had been just delivered by the commissioners, if he could not flatter himself, that on all the topics which he should feel it necessary to introduce, his opinions would meet the unanimous concurrence of their lordships, he was at least sure, that in joining his Royal Highness in those feelings of affliction, expressed in the Speech, for the calamity, which had rendered a Regency necessary, and in that pious prayer, offered up by his Royal Highness, for the speedy restoration of his Majesty to health and the exercise of his regal functions, there could be but one sentiment on the part of all their lordships. He had no doubt, also, that every Noble Lord viewed with the greatest satisfaction the wisdom, the judgment, and the moderation which had been displayed by his Royal Highness throughout the whole of this difficult and important transaction. Every one must approve the principles on which he had acted in this unfortunate emergency; and the merits of his conduct in the sacrifices he had thought proper to make, contrary to his known opinions and feelings, could not fail to be duly appreciated by that House, and by the whole nation. (Hear!) These sacrifices of private and personal feelings to filial piety and public good presented to his mind a perfect picture of genuine patriotism; fortunately for the affairs of the country, the hopes of the restoration of his Majesty's health were at present high, and were improving from day to day. Should however the recovery of his Majesty be yet unhappily retarded; should Providence still be deaf to the wishes and the prayers of the people, and of the Prince; should it prove unlikely that the King could soon resume the exercise of his Royal Authority, (how that authority had hitherto been exercised, the experienced blessings of a reign of more than fifty years could be appealed to, and could best evince!) then there would be a great consolation to their lordships and to the nation, arising from the reflection, that there was a successor to his Majesty, who had most sincerely at heart the public good, who placed the general benefit above his own personal wishes and feelings, and who regulated his public conduct upon principles that must ensure universal public approbation and respect. On such a gratifying topic he might easily expatiate, as it afforded him an ample field of panegyric; but he felt that such an attempt was rendered totally superfluous by the opinions and feelings entertained in common with himself by every one of their lordships. Here he might close what he had to submit to their lordships, but that it was the general practice of those, who happened to be placed in the situation in which he then stood, to take some general view of the situation of the country as deducible from the various topics adverted to in the Speech. In doing this, he could assure their lordships that he would be brief, and not presume to occupy unnecessarily their time and attention. The first topic that presented itself in the view he took of the subject was that which related to the affairs of the Peninsula. With regard to the state of affairs in Spain, he must admit that the appearance of matters was chequered: there were some dark clouds and obscurity; but still there were, notwithstanding, in that country, many circumstances that kept alive hope. The high and gallant spirit of the Spanish nation still existed; the determined hatred they bore to their invaders continued in undiminished vigour; the ardent desire of maintaining their liberty remained in unabated force. The sacred flame of liberty and independence had been, it was true, partially obscured, but it still continued to burn; and he hoped and believed, it was never to be extinguished by the oppressions of the enemy. Notwithstanding all the exertions of that enemy, his attempts had hitherto proved unsuccessful against the city of Cadiz, which, as well as that of Ceuta, was garrisoned by a British force. In this respect, then, there were considerable grounds of satisfaction.

With regard to Portugal, the character of the war in that country was of a much greater magnitude, and of a much sounder complexion. It gave us great reason for congratulating ourselves on the events that had passed, and afforded us many grounds of hope for those which were to come. What had already occurred there had been of the greatest advantage to the common cause, and had done the highest credit to our gallant army, and to its brave and skilful commander. If he were to be asked, what we had done by our campaign in that country, he would answer, that we had withdrawn a numerous and formidable army from the country of Spain, commanded by one of the most eminent and most fortunate of the generals in the service of France; that we had baffled the first attack of that powerful army so commanded, and gained a glorious triumph; that we had preserved from the invaders the capital, and a large portion of the country of Portugal; that we still presented to them the formidable front of defiance, and held them in a state of disgraceful inactivity! If their lordships recollected the various gloomy predictions of ill-success which had been delivered in the course of last session, it must be admitted that the result of the operations in Portugal had surpassed even the general hopes. What we had still to do depended on future occurrences. They might expect, on this subject, a repetition of all those melancholy prognostics and forebodings which they had already heard; but he was ready to say, that instead of giving in to such prognostics he should much rather adhere to the hopes derived from the accounts of our brave commander, lord Wellington himself, and the expectations and high spirits of his whole army. However he might be induced to pay every respect to the wisdom, the talents, and foresight of others who entertained gloomy opinions on this point, he must be permitted to indulge strong doubts of the correctness of such opinions after the failure of former predictions, and upon any fair review of what had already passed. To continue therefore to afford every assistance to the nations of the Peninsula was, he contended, not only sound policy, but the most effectual mode of promoting the best interests of this country.

The gallant and successful defence of the Island of Sicily, was a still greater source of satisfaction, if their lordships considered the magnitude of the military and naval preparations of the enemy, and the boldness of the menaces with which he preceded his unsuccessful attack. Exactly in proportion to the presumptuousness and arrogance he had displayed, must be the measure of the shame and disgrace of his failure.

If their lordships turned their eyes to the east, they would find the additional conquest of two colonial settlements from the enemy; which were not, perhaps, of peculiar importance to us from their own intrinsic value, but the conquest of which was still of high importance, as tending to the destruction of the enemy's foreign possessions. He might here also advert to an enterprize in that quarter, which, certainly, had not proved successful, from some causes which he could not be expected to explain fully; but in which the perseverance, valour, and spirit of our arms had been evinced in the highest degree. The exhibition of these great qualities on that unfortunate occasion reminded one of the bravery and self-devotion recorded of some of the heroes of ancient times. There was another point of considerable importance adverted to in the Speech, to which he should briefly allude—the pending discussions and negociations with the United States of America; and the wishes so strongly expressed by the Prince Regent of their successful issue. Deficient as he must necessarily be of information as to the actual state of those discussions, it would be impossible for him to speak of them otherwise than generally; but he must take that opportunity of stating how deep and sincere was his regret that any thing should have occurred to cause them to continue for so long a period, and so far to delay an amicable adjustment—his regret, that two nations, who ought, from so many interesting circumstances, to be united in their friendship, should have spent so much time in discussions on topics which separated their mutual interests and dispositions. At the same time, he did not believe that such an unfortunate delay could be justly attributable to the conduct of his Majesty's ministers; who, he was convinced, never entertained any disinclination to negociate. He was perfectly sure, that the noble marquis, to whose hands were entrusted that department of the public service, was the last person who needed to be told, that if he brought the discussions between this country and America to a successful termination, and restored their relations to a state of permanent friendship and amity, he would perform for his country as great a service as his gallant relation could achieve by the most glorious conquests in the field.

Upon the subject of the internal state of the country he could touch with more satisfaction. It was of course to have been expected, that from the impediments thrown in the way of our commerce some diminution of revenue arising from that source, would be experienced; and the only object of surprise was that, with the means possessed by the enemy, he had not been able to injure our commerce in a much greater degree:—that, in a war so extensive as the present, in which such unparalleled and gigantic means were employed and set in motion against us by the enemy, his success had been but partial and insignificant, whilst the efforts of this country to counteract and defeat his projects had been in almost every instance effectual. Whatever might have been the success of the enemy's measures upon the receipts of our customs, it was most amply and abundantly compensated by the state of the revenue upon the whole, which their lordships must have learned with the greatest satisfaction, from the statement in his Royal Highness's speech, to be most flourishing and prosperous. This afforded a source of real and unmixed pleasure, as it furnished us with another and a striking proof of the abundance of our resources, and of those means of internal comfort, happiness, and strength, which were placed in security, out of the grasp or reach of the foe, and beyond the influence of external hostility.

These was another topic of very considerable moment, and particularly in the present state of the public affairs, on which, though it was not touched upon in the speech, he should take the opportunity of saying a very few words: he alluded to the state of Ireland. After the sacrifice, which had been made by his Royal Highness the Prince Regent of his private and personal but known feelings; the present moment he must contend, could not be the most proper for pressing the claims of the Catholics. No person, in his opinion, who had any sense of propriety or any regard for the general interests of the empire, could consider this a suitable time for bringing forward these claims, or expect that they could be at present urged with any prospect of success. He admitted the great importance of the subject, and the grave consideration which it merited. These claims had been most maturely considered before by the greatest authorities of the time, who had certainly expressed their opinions in favour of them; but he felt himself especially influenced by the sentiments of that immortal statesman, now no more, who had endeavoured to settle this important question; but who afterwards forbore, from reasons of the highest moment, to press the subject in parliament. Whenever that subject was taken up he trusted it would be in the spirit of conciliation, moderation, and liberality: but he must particularly hope, that in the present state of public affairs, it would appear advisable to every Noble Lord not to stir this delicate question. He was convinced that those who viewed this subject in its proper light, would see it in the same view in which he considered it. The noble Earl concluded by moving an Address to his Royal Highness the Prince Regent, re-echoing as usual the contents of the Speech, expressing the fullest confidence in his Royal Highness, and condoling with him on the death of the Princess Amelia.

Lord *Eliot* rose to second the Address which had been moved by his Noble Friend. His lordship called to the recollection of the House the state of the country at other periods of his Majesty's reign, when he was in the full exercise of his royal functions, and the many blessings he had conferred upon his people during a reign extended to such an unusual length; and expressed his great satisfaction at the happy prospect now opened by the fortunate change in his Majesty's health, of his speedy recovery, and resumption of his royal authority. He paid the strongest tributes of approbation to the conduct of the Prince Regent throughout all the proceedings upon this delicate and interesting business, and particularly in the part he had acted since his establishment in the Regency in the name of his Royal Father. He did not praise the Prince Regent, merely because the line of conduct he had adopted might be congenial with his own (Lord E.'s) sentiments, though he was in his conscience convinced, that such conduct would tend to the benefit and advantage of the country: nor yet because he had made to a sense of public duty a sacrifice of his own opinion and wishes on public affairs. His praise of his Royal Highness sprang from the affectionate conduct he had manifested towards his Royal Father; a conduct, which was the happiest omen of his future government; and which must, in the fortunate event of the restoration of his Majesty's health, tend to draw closer and closer the bonds between the King and the Prince, and render in future the government of the country still stronger than ever. It being admitted that the government of the Regent must, in itself, be weaker than that of the King, and it having been thought fit by parliament to accompany a temporary power with some restrictions and limitations, the conduct of the Prince Regent under these circumstances was to him an additional source of consolation. His lordship then went over the different leading points of the Speech, expressing his approbation of the sentiments conveyed in each respecting those public exertions noticed in them, and his gratification at the prosperous condition of the revenue. The last paragraph of the Speech in which the Prince Regent declared the recovery of his Majesty, as soon as it should please the Divine Mercy, to be the warmest wish of his heart, the Noble Lord said, he could not consider as merely the Speech of the ministers of the Regent, but as the expressions and sentiments of the Regent himself. They afforded him the highest pleasure, and did that illustrious personage the greatest honour.

Earl *Grosvenor* said that he had come down to the House that night hoping that he should be able to support the Address; but now having heard it, and the speeches of the noble mover and seconder, he must say that there were parts of it which could not meet with his concurrence. On the sentiments of affection and respect towards his Majesty, which were conveyed in the Address, there could be but one opinion; and their lordships, as well as the country at large, must equally rejoice in what was stated with regard to the financial prosperity of the kingdom. But he confessed, it was with considerable surprize, that he had heard their lordships called upon to support the present ministers, as if they were new and untried men—as if they had never heard of their ill-fated expeditions, and above all, of the expedition to Walcheren—as if they were men who had not been already tried in the balance, and found wanting. He regretted that the former practice of communicating the Speech, on the night before the opening of the session to the members of both Houses, had not been adopted on the present occasion, as thus an opportunity would have been afforded for giving it more mature consideration. Yet this was to be the less regretted at present, as a Speech of so flimsy a texture, and containing so little matter of information either with regard to past occurrences or future measures, had perhaps never been delivered from the throne. Even in times of profound peace, much more information might have been expected with regard to the situation and prospects of the country; but in a period so awful as the present, such paucity of information would indeed be surprising, were it not for a circumstance which it was quite sufficient to allude to, namely, the consideration of who were the ministers of his Royal Highness; for certainly, if they were ministers who possessed his confidence, one should have imagined that some topics of a popular nature would have been introduced; some mention would have been made of a reform of abuses and a diminution of expenditure; particularly when the noble declaration of the Regent was recollected, that the supreme power was held entirely for the benefit of the people. He looked upon the Speech as much more objectionable for its numerous omissions than for what it contained. There was some mention made of the affairs of Spain and Portugal; but there was nothing in it with regard to the internal situation of Ireland—nothing with respect to our relations with the powers on the Baltic—nothing with regard to the affairs of India, which were soon likely to occupy considerable attention—and nothing at all on that most interesting subject, the state of our circulation and paper currency.—These were all topics of the most vital interest and importance—topics upon which it was the duty of ministers to give to parliament the fullest possible information, and yet to no one of these topics did the Speech contain the most distant allusion.

But even the topics, which had been touched upon in the Speech, were treated in such a way as to preclude him and those who thought with him from giving their support to the Address. The part for instance, of the Speech which related to the affairs of Spain and Portugal, seemed to pledge the House to a continuance of those efforts which had been already made for the Peninsula; and here he must compliment the noble mover of the Address, on the ability which he displayed, and on the ingenuity with which he commented on this part of the subject; but he must at the same time maintain that the House had not heard enough, or nearly enough, on the affairs of the Peninsula, to satisfy those of their lordships who were at all doubtful on the subject, of the propriety of sending further reinforcements to those countries. They should not only know the real state of affairs in Spain and Portugal, what were the probable hopes or fears to be entertained with regard to those countries, and the grounds on which they were founded, but also what was the condition of Ireland at the present moment. They should know what was the real state of the public mind throughout the inhabitants of the peninsula. He would acknowledge, that their lordships were bound in justice and honour to continue their support to those who were struggling for their independence; but then the aids which they could afford, must be bounded by considerations of prudence and of necessary self-defence. Above all, it was to be maturely weighed, whether the succours which this country was capable of affording were such as would be sufficient to obtain ultimate success; and he was certain, that the people would not hesitate or grumble at any expenditure, if the cause was likely to prove successful at last. But in the mean time the dangers at home ought to be considered; and that there was such a thing as self-defence which called for their primary attention. If the reports which he had heard were true, though he trusted they were in a great measure exaggerated, that Ireland was in a state of ferment, and that families were emigrating from it into England and Wales, from the fear of a new rising; then it behoved their lordships to look at home, and to reflect, whether those efforts that were making for the Peninsula were not to be bounded and limited by such considerations as those he had now mentioned.

On these grounds he must contend, that their lordships were entitled to much more abundant and satisfactory information, before they pledged themselves to increase or continue their efforts in favour of Spain and Portugal. Some months ago they had all heard that the French army in Portugal was in the most deplorable situation; that it possessed only the ground it stood upon, and was reduced by famine and desertion. These reports came from so many quarters, that he could not help placing some faith in them, and entertaining strong hopes that the allied army, refreshed and recruited, had only to pounce upon and destroy its weakened adversary; but disappointment had succeeded these expectations, and it was now found that the French army had not only plentiful supplies, but had received numerous reinforcements. The noble mover of the Address had acknowledged that there were dark spots in the horizon of Spain; this was too true; it was still uncertain whether their nobles generally were worthy of their ancient fame, or the people at large were determined to conquer or perish. There was one more subject to which he felt it necessary to call the attention of their lordships, he meant the mischievous delays which had taken place in the appointment of a Regent, and the unfortunate delays to which they had given rise. He was happy, however, to think that they had, at length, got rid of the Regents of phantom and fiction, and had now a real Regent. He thought, however, that ministers, if they were in the confidence of his Royal Highness, would have inserted a paragraph in the Speech on the popular topics of economy and the reform of abuses, to which the people so anxiously looked up, and would continue to look up, until some measure upon these points was carried into effect. He regretted that no allusion was made to these topics in the Speech, which he could not but consider as one of the most flimsy that had ever been made to parliament; it was certainly long enough, but actually contained little or nothing. It was, in truth, in unison with the phantoms they had lately witnessed, for a Speech so phantom-like, so spirit-like, or so skeleton-like (if he might use the expression,) he had never before heard. He trusted however that some legislative regulation would now be made to provide for the establishment of a Regency, in the unfortunate event of a recurrence of his Majesty's malady, that they might not have to encounter over again, those vexatious and distressing debates to which they had been subjected for the last three or four months.—He did not mean to propose any amendment to the Address, but should content himself on this occasion with having delivered his sentiments freely to their lordships on those parts of it, with which he could not concur.

Lord *Grenville* declared, that it was always with great concern that he rose to execute a painful duty, whenever he rose to oppose any motion for an Address: and therefore it was very gratifying to him to say, that in most of the sentiments contained in the present Address he perfectly concurred, as well as in those so justly and forcibly conveyed in the very able and eloquent speech of the noble mover. Indeed, he must say, that since he had had the honour of a seat in that House, he never heard a similar motion conducted with greater ability; not only for the peculiarly happy selection of the topics, but for the justness and propriety of the views, and for the forcible and impressive language in which they were conveyed. It was truly gratifying to him to hear such displays of talent; and he trusted that the noble lord, who had already distinguished himself by his love of literature, would prove an ornament to that House, and would, on many future occasions, gratify their lordships with similar displays of enlarged and liberal sentiment.—He admired not merely the eloquence, but the judgment which the noble earl had evinced in his speech. Too much had formerly been said against the natives of Ireland and America; but the noble earl, in the observations he had made with respect both to Ireland and America, had shewn a liberality of sentiment which was the certain indication of an enlightened mind. With respect to the greatest part of what the noble earl had said, he had no hesitation in saying that he heartily agreed; and with respect to one part in particular, he was sure there could be but one opinion in the House, as there was but one opinion in the country, namely, the strong and ardent desire which he expressed of his Majesty's speedy recovery. On another point he was certain the same unanimity would be found to prevail, the expression of the high sense which he entertained of the talents and virtues of the Prince Regent, and the confident and well-grounded hope thereby held out to the country of the blessings which are one day to be expected when his Royal Highness shall be called to a permanent exercise of the duties which he now exercises only for a time—on that point he certainly concurred most heartily in what had been said by the noble earl. He must confess, however, that he did feel not a little disappointed, that throughout the whole Address, there was not one personal compliment paid, not one mark of personal respect shewn to his Royal Highness; but he was glad to perceive that if there was nothing of this nature in the Address, the noble earl had partly made amends for it in his speech, as he was also glad to see the House testify in the manner they did, their approbation of those parts of that speech.

On the subject of the Address he did not think it necessary at present to say much. The Address was very properly framed in a general manner, with a view of not binding the House to the adoption of any particular line of conduct. This was true of the Address in general; but there was one part, however, which he thought an exception, and that was the approbation which was bestowed on the operations in the peninsula. Although he would willingly refrain from saying any thing on that part of the Address, which related to Spain and Portugal, yet he felt himself bound to say, that it contained a pledge contrary to the opinions he had all along entertained on that subject of policy, contrary to that which he still entertained, and which, whether inconsistent with the general sentiment or not—whether popular or unpopular, he should betray his duty to his country, if he did not distinctly express. He had never hazarded so absurd a sentiment as that it was not highly desirable that all due assistance should be given to the exertions of the inhabitants of the Peninsula in the vindication and maintenance of their independence. No rational man could doubt that the issue of that contest was not only most deeply interesting to the fate of the civilized world, but also to the independence of this country. But the real question was, "Is it advisable that the mode of assistance to be pursued by this country, should be to make ourselves principals in the war, by embarking the whole of our disposable force in the issue of such a contest, where our enemy could bring the whole force of the continent of Europe against us?" He did not hesitate to deliver it as his opinion, that in a contest so unequal, the money and resources of the country must be expended with certain loss; for it was impossible to expect success in such a war. He agreed, however, with the noble mover, that with regard to the war in Portugal, it was better to rest on the opinions of those upon the spot, than on speculations formed in the closet. The noble earl had also said, that the predictions of disaster to the allied armies had not been accomplished. But what were the predictions they all had heard, with regard to the fate of the French army in Portugal? Had those predictions been fulfilled? When lord Wellington had, by a series of wise retreats, (and he really believed that the skill and prudence of that gallant general were on this occasion equally conspicuous) conducted the enemy in front of his strong position, it was generally predicted, that the consequence would be, that the French army would lie at the mercy of the allies; that the French general would, from famine, be forced either to risk a hazardous attack, or speedily to commence a precipitate and ruinous retreat. How was this prediction verified? Why, by the partial retreat of the enemy, the allied army was enabled to occupy a part of the intermediate space which had been covered by the enemy; and even there considerable resources in provisions were found for our army! This fact he stated from certain information. Of the military conduct of lord Wellington he was no judge; but in so far as it was marked by caution, and an unwillingness to expend unnecessarily the blood of his countrymen, it had his most marked approbation. But his grand objection to the mode of warfare now pursued was this, that there did not exist that individual who could suppose, that if France was in possession of Spain, Portugal could by any efforts be preserved. The independence of Portugal was indissolubly connected with that of Spain; and it was impossible to defend the former, if the latter was lost. Yet it had been said, that our army was to defend Portugal, and that, at a time too, when it was well known that our gallant army was reduced to the defence merely of the ground which it occupied.

But, with regard to Spain, he should ask, what we had to hope for? In the course of the war several opportunities had been presented to the Spaniards to call forth and exercise their energies, and effectually to resist the French—opportunities beyond the most sanguine hopes of the most sanguine men. And what beneficial effect had arisen from them? First, when the troops of France were withdrawn from the peninsula, and marched to sustain a conflict in the uttermost parts of Germany, what advantage was then taken of this golden opportunity! It was not his intention to enter into the particulars, but he only called on them to look at the result. Again, when the whole of the immense force of the French in Spain was occupied with the British army—when we took credit for solely engaging their attention—when scope was given to the Spaniards to expand and re-occupy their own country, which could no longer be occupied by the enemy, see what had they done! The result was, that even during that time the affairs of France in every other part of Spain had advanced, and they were at the issue of that contest in a more favourable situation than at its commencement. He did not wish to detain their lordships unnecessarily, and should briefly state, that upon a full view of the campaign, the opinions he had formerly held on this important subject, so far from being disproved, appeared to him to be completely verified. The more he considered the topic, the more he saw of the nature of the conflict, the more was he confirmed in the sentiments he had before endeavoured to impress upon their lordships, that other modes of succouring the Peninsula would have been much more advantageous than that of making ourselves a principal in the war—a mode imprudent and improvident for Britain, without being effectually conducive to the interests of her allies. It was from entertaining this view of the matter that he rose to protest against being pledged by any words in the Address to give further aid, by means of a British military force, to the Spanish and Portuguese nations. To him the sending of more men appeared to be most impolitic; and to that he must decidedly profess himself hostile, though in the other points embraced by the Address he was ready to concur.

Before he sat down, there was only one topic more which he was desirous shortly of noticing. It was with infinite satisfaction that he heard that now, if not before, we were in a train of friendly negotiation with America, and that sanguine hopes of a speedy and happy agreement were entertained. In no sentiment could he agree more cordially with a noble earl (Aberdeen), than that, in which he had so ably and eloquently expressed his conviction, that nothing could be so conducive to the interests and honour of this country as an union of amity and harmony with the United States. He felt so sincerely rejoiced on this subject, that he must congratulate their lordships and the country on the expectation that had been held out to them. As for the other points embraced by the Address, on some of them he must reserve himself till future opportunities of discussion arose. Some there were of so much importance, that they merited a notice in this first act of the session, and none more than that which related to the state of public credit, and of the monied circulation of the country. On this he would not at present enlarge, as he believed it could not have been intentionally omitted, and would therefore content himself with concurring generally in the Address moved by the noble earl in every point, saving himself from being pledged to the support, in the way in which it might be maintained, of the contest in Spain and Portugal.

The Earl of *Liverpool* had entertained hopes that, after the very able speeches of his noble friends, the mover and seconder of the Address, it would have been unnecessary for him to claim the attention of their lordships. There were, however, some points in the speech of the noble baron who had just down, which obliged him to solicit the indulgence of the House for a short time. Among the different topics which the noble baron had introduced, there were two in which he most cordially concurred with him. He was happy in the opportunity of being able to join in those well-merited encomiums which the noble baron had so liberally and justly bestowed upon the speech of his noble friend, the mover of the Address. There was another topic also upon which he felt the greatest pleasure in concurring entirely with the noble baron, he meant that part of his speech which related to the conduct of his royal highness the Prince Regent on this occasion. He regretted, however, that the noble baron should have introduced topics which were not necessarily connected with the subject, and which were calculated to interrupt that unanimity which he had hoped would have prevailed respecting the Address. But the introduction of these topics should create no difference of opinion between him and the noble baron, respecting the conduct of the Regent; for which neither the noble baron nor any of his friends could entertain greater admiration than himself. With respect to the feelings and sentiments of that illustrious person, with reference to every part of his conduct, as it was known to the whole world, there could be but one sentiment, which was this, that it was entitled to the unqualified approbation, and the warmest gratitude from the country. He must own he did not calculate upon any opposition to the Address. It was the desire of those who drew it up, to represent in it the sense which Parliament might be supposed to entertain of his Royal Highness's regard for the public interests so fully evinced by accepting the government during the royal indisposition. They also endeavoured as far as it was practicable, not to introduce any topics into the Speech, which could possibly give rise to any marked difference of opinion. Indeed, under the present circumstances of the government and of the country, it was peculiarly desirable to omit every subject in the Speech which could produce a protracted discussion. This intention, however, was subject to be qualified. It did not follow that because the framers of the Speech deemed it prudent to omit certain subjects likely to create a strong difference of opinion, they were therefore to leave out of it the leading principles of our national policy. It was upon these grounds that they omitted those subjects of which a noble earl (Grosvenor) complained—subjects, from the discussion of which he would not be found to shrink when they were properly before the House; but the introduction of which into the Speech, on this occasion, must have inevitably led to those discussions and differences of opinion, which they who framed it were so studiously anxious to avoid. But, however anxious he might be to avoid difference of opinion at the opening of a session, he never would, for the sake of unanimity, sacrifice any great public principle. Accordingly, the noble earl would find, that the most important points in our domestic and foreign relations had been alluded to in the Speech. The circumstances of the country, as he said before, rendered it advisable that this exposition should be made in terms not likely to produce opposition of sentiment: the framers of the Speech had endeavoured so to fashion it; and he trusted that the decision of the House, when the question came to be put, would shew that their labour had not been unsuccessful.

There was one paragraph of the Speech, however, upon which it would be necessary for him to say a few words; he meant that which related to the war in Spain and Portugal. He could not have anticipated any objection to the introduction of a subject, upon which Parliament had repeatedly judged and pronounced its decided opinion. It was not a new principle that was thrust into the Speech, but one which has been now nearly three years before the country. They were not called upon to embark in a new war, but to sanction the continuance of a contest, in which the government had engaged with the advice of Parliament. He was aware that shades of opinion might exist as to the policy of the war in the peninsula, in the mode and upon the scale that it was conducted; but he was persuaded that a very great majority of the people of this country approved of the principle of giving Spain and Portugal every degree of assistance that did not endanger our domestic safety. This being the sentiment of the nation—this being a subject upon which the crown had so often committed itself, and committed itself by the advice of Parliament—were they, by omitting so important a topic in the Speech, to withhold from their brave and persevering allies the satisfaction of knowing, that it was announced in the Speech from the throne, that the assistance from which they had derived such very great advantages was to be continued? But he could not discover what there was so objectionable in that particular paragraph of the Speech. In his understanding of it, it pledged no noble lord to support any specific mode of carrying on the war in the Peninsula. The pledge and promise of assistance was, in fact, expressed in those general terms which left every man's future opinions on the subject free and uncontroled. He should not, therefore, follow the noble baron (Grenville) in his observations upon the policy or conduct of the war in the Peninsula. When that important question should come under consideration, he did not despair of being able to convince their lordships, that the system which had been adopted towards Spain and Portugal was not only the best which could have been pursued with reference to the particular circumstances of those countries, but that it was, in fact, the only one which held out any well founded hopes of ultimate success. This system, whatever its merits or demerits may be, Parliament was not now called upon generally to approve, but to sanction the principle which they had repeatedly approved, of aiding and assisting the inhabitants of the Peninsula.

With respect to the predictions alluded to by the noble earl who had so ably moved the Address, the noble baron appeared to him to be under a mistake. They were not intended to apply, as well as he understood them, to any events that had occurred during the present campaign in Portugal. The memory of the noble baron must be rather short, if he could not recollect that, in one of the discussions which took place in the course of last session on the affairs of the Peninsula, there were certain noble lords who did not hesitate to assert and pledge themselves for the correctness of the assertion, that a very few months would bring home the remains of the British army from Portugal. This prediction they founded upon the absolute hopelessness of making effectual head against the French; a hopelessness produced as they stated, by the inadequacy of the British army to maintain the contest, and the utter insufficiency for any great and trying military emergency of the Portuguese levies. The prediction of the return of the British troops had not yet been fulfilled. The prediction of the insufficiency of the Portuguese troops had been fully falsified by their conduct. He had the testimony of the gallant Viscount, who commands the allied army—he had the evidence of the eminent and meritorious officer, (marshal Beresford), under whose more immediate care they were, and to whose skill, talents, and activity, they owed the perfection of discipline which they have attained—that they are, in every point, qualified to fight side by side with British troops. This was a point upon which he could appeal with confidence to every British officer who had seen them. But the noble baron had talked of the disappointment of the expectations of the country, and of certain predictions of the speedy expulsion of Massena from Portugal. To this he would answer, that government never encouraged any such expectations, nor was the slightest hope ever held out by them of the probability of such an event. Where did the noble baron find these predictions? Were they contained in any document of parliamentary authority, in any public dispatch? It would be hard indeed, if government was to be made responsible for the extravagant speculations of over sanguine persons, whose zeal for the honour and glory of their country made them bound over all obstacles in the way of the most complete and decisive success. Differing as he did entirely from the noble baron respecting the policy of the war, he was happy to have an opportunity of agreeing with him on one point—the conduct of the campaign. For the reasons he had stated, he trusted that the noble earl (Grosvenor) would not persevere in his opposition to the Address, and by so doing prevent that unanimity which was so desirable at the commencement of every session, but more particularly of the present. The paragraph relating to Spain and Portugal, he would again repeat, did not commit the country more than it already was committed, or pledge the noble earl or any other noble lord more than he was pledged before.

With respect to America, he could not, in the present state of the negociation with that country, say all he wished. But he had no hesitation in declaring, that government fully appreciated the value of that connection—that they were disposed to act towards the United States in the most conciliatory manner—and that there was no political object for which they were more anxious than to establish the most full and free commercial intercourse between the two countries :—an intercourse, the incalculable advantages of which they both knew from experience, and were most anxious to establish upon terms of reciprocal benefits. It never was the intention, nor could it have been the policy of the British government, to provoke a contest with the United States. The measures which we were compelled to adopt were forced upon us for the purpose of vindicating and asserting our rights; rights which involved the honour, the security, and the prosperity of the country. If the effects of these measures had incidentally fallen upon the commerce of America, it was not the fault of the British government. It was most undoubtedly to be lamented, that innocent parties should suffer by the arrangements which we were compelled to adopt in defence of our honour and interests : but the sense of that honour and of those interests would never have allowed any departure from it, or any other course to be taken. After what he had stated, he trusted no serious opposition would be given to the address, which had been scrupulously framed with a view of precluding the possibility of any marked difference of opinion.

Earl *Grosvenor,* upon an understanding that he was not pledged to any thing respecting the Peninsula by assenting to the motion, would not oppose the Address. The omission of any thing relating to the state of Ireland, he must still consider as a great defect in the Speech.

The Earl of *Radnor* supported the Address. He approved of the prominent passages in the Speech, but he thought it was rather deficient in the usual compliments to the Prince.

The question was then put, and the Address was carried *nemine dissentiente.*

HOUSE OF COMMONS.

Tuesday, February 12.

The Lords Commissioners' Speech.] The Deputy Usher of the Black Rod informed the House, that the Lords Commissioners, to whom a certain commission for continuing the present session of parliament had been directed, desired their immediate attendance in the House of Peers to hear the commission read. The Speaker, attended by a considerable number of members, then proceeded to the House of Lords.

On the return of the Speaker, he stated, that he had to acquaint the House of his having attended at the House of Peers, in conformity with the desire of the Lords Commissioners. The Lord Chancellor, being one of whom, had given further reasons for continuing the present session of parliament. To prevent mistakes, he had procured a copy of the Speech made on the occasion, which he would then read.—(For the Speech, see the proceedings in the House of Lords.) The Speech having been read,

Mr. *Milnes* rose for the purpose of moving an humble Address to his royal highness the Prince Regent for the gracious Speech which had been just read. If it had fallen to his lot, to have, with a similar object, on any ordinary opening of parliament, presented himself to the attention of the House, it would have been his first duty, conscious as he was of his own inability to the task, to implore the indulgence of the House. If then under no very extraordinary circumstances he should have felt most anxious to have that indulgence extended to him, how much more solicitous must he be to acquire it, in the situation in which he then stood—a situation which he would fain believe was attended with so many considerations of delicacy and difficulty as in a degree warranted his claim for a double portion of its candour and allowance. The mere mention of the Speech which had just been read, must of itself recall to their recollection, the state of public events—a state calculated to excite in that House and in the country at large, every principle and feeling of sympathy and interest. It was a state which led to a necessity, in providing for which the most able and sagacious were inevitably liable to error and mistake. Some credit was therefore due to the vigilance of that parliament, which had in such an emergency acted with admitted wisdom—some tribute to the superintendance of those who directed its course of proceeding. Most gladly would he if he could with propriety pass over the first topic to which the Speech of the Prince Regent adverted—he meant the calamity of the

King's indisposition. He would have preferred to have left that topic to the impressions which the interesting language and sentiments of that speech were sure to excite, because he was well aware that there was not in the House or in the country an individual that would not duly appreciate them. But on such an afflicting occurrence—afflicting to his royal highness the Prince of Wales—sincerely and deeply lamented by every class of the community—silence became impossible; it forced upon one's thoughts whatever were the endeavours to elude it. If in Portugal the country had to boast even more brilliant successes than had attended the brilliant progress of the late campaign; if in America it had to boast an efficient ally incited to hostility by the tyrannic aggressions of France, still it would be impossible to flee from the great calamity which, in the affliction of the sovereign had befallen his people.—Such promising and advantageous occurrences, such desirable and decisive events, instead of affording relief to the general affliction, would more fully reveal and illustrate the magnitude of the public calamity, by shewing to the world the just extent of that distress which must necessarily be the consequence of the present heavy affliction of the common father of his people, under whose government such auspicious results to the happiness and liberty of the world, had taken place.

In an emergency of this description, he could not, he would confess, avoid entertaining a confident hope, that they had now arrived at that period, when gentlemen on every side of the House would be sensible of the necessity of giving support to the government, and thereby carrying into effect the wish, that must be common to them all, of providing effectually for the public safety under circumstances of no ordinary pressure and perplexity. In calling upon the House, then, to afford its cheerful and cordial support to the government in a moment of such peculiar difficulty, he felt that he was making no common place call for unanimity. He thought, therefore, he could congratulate himself and the House on having arrived at that period when all differences would be forgotten—a period which would be, he should hope, the commencement of peace amongst them, the date of the cessation of hostilities, the signal for the union of all parties, when one side of the House would offer its talent and its spirit and the other carry an oblivion of all disputes into one common exertion for the service of the country. Indeed he almost made sure of unanimity, when he reflected on the arguments of those who contended that, to a government with such radical weakness, as that of a Regent must naturally be, the full powers of the crown were necessary—arguments which, in his judgment, were most conscientiously delivered, though erroneously applied, but which, when remembered, it was impossible that those who advanced them, could refuse to that government their confidence and assent. With these recollections, he had good reasons to conclude that there was an end to party hostility—that all men would, as they were bound, labour in conjunction for the public interest.

The great object of both sides of the House should now be, as the Regency was established, to come forward with all their powers and abilities to support the Regent's government and to promote the service of their country. Whatever of suspense, whatever of difficulty, there may be in the situation of the kingdom, the wisdom of parliament was strenuously called on by the Speech to examine and provide for. But the appeal contained in that Speech did not alone recommend it to their earnest consideration. There was something which called still more for it—which rendered it of still higher importance—"it was a plain accurate picture of Great Britain." And in the hopes it expressed of the wisdom and conduct to be pursued by parliament it best expounded their duties. His duty, in his judgment, he could best discharge, by glancing generally at the details which it comprehended.

In glancing at the topics touched upon in the Speech, he saw no necessity for going at any considerable length into the consideration of them, because those parts which were connected with any difficulty, would hereafter undergo a full and satisfactory investigation. By the capture of the islands of Bourbon and Amboyna, the colonial resources of the enemy had been still further crippled. Though the House was in the habit of repeatedly hearing of the success of the expeditions fitted out against the enemies colonies, still he trusted, that the achievements he had just mentioned, particularly the capture of Bourbon, would not be considered as a matter of inconsiderable importance. They could not be now expected to boast of very great captures from the enemy, after the numberless successes which had been already in the course of the war obtained by the British arms—and which, in fact, had left them little more to conquer. But if little of colonial territory was left to France in the former periods of the war, the period had now arrived when that power was completely deprived of the little that remained. The defeat of the enemy, in his invasion of Sicily, which island he had most presumptuously and arrogantly asserted his ability and intention to conquer, was effected under circumstances truly honourable to the British troops; and, when the House considered the great superiority of the enemy on that occasion, and the celerity with which their attempt was rendered abortive, they might rely with firmness, if the so much boasted invasion of this country should ever be attempted, that a similar result would follow. When he looked to the bravery of the troops, and the skill and heroism of their commanders, he thought they were well worthy of receiving the thanks of parliament. A degree of bravery and energy had been displayed in repulsing the French on that memorable occasion, which would point out to them the folly and temerity of hereafter approaching the shores of Great Britain.

When he looked to Spain and the Peninsula, whatever may be the opinions of many members either as to the policy or the conduct of our military operations, there, he still believed that there was no person disinclined to go the length of stating, that hitherto at least the designs of the enemy had been frustrated. Whether they were contented with the progress of the British arms—whether they believed that opportunities of greater prospects, and leading to more successful results if they had been improved, had presented themselves, still those who even thought so, could not hesitate to admit the French Government was disappointed. But in considering the objects attempted to be gained in that country by France, it would be well to contrast the footing on which she stood at present, with the promises which she had held out. All these promises had been falsified:—all her hopes had been destroyed—all her threats had been rendered abortive! From the press of the Moniteur—from the mouth of Buonaparte—enslaved Europe had been told, that, on the approach of the French armies, not an Englishman would be suffered to remain on the Peninsula. The Government of this country had pursued a different mode—they made no such boast. Every sober and rational man in Great Britain supposed that it would be a long-protracted struggle—that it must necessarily be a warfare of long continuance—a warfare of slow progress and tedious and complicated operations. The threats of the French government so far from having been realised recoiled upon their own author. The British troops, which were to have been driven from the Peninsula, still triumphantly maintained themselves there. And when he contemplated the increased strength of the British army at present there—the gallantry with which they had uniformly behaved, and the successes thay had gained—he could see nothing that should lead the House or the country to entertain any doubt as to the successful termination of their hitherto victorious career. If then the British Army had not only sustained its character, but established its superioity over the enemy;—if on the heights of Busaco another proud confirmation of the invincibility of British prowess had been witnessed;—if the spirit, infused by British example, and regulated by British discipline, among the native legions of Portugal, afforded another pledge for well-grounded hope;—if in the character of the Commander of our forces, Lord Wellington, the world now saw the developement of all those qualities, which constituted the claim to military talents of the highest order;—if it observed the brave nations of the Peninsula, after the defection of almost all their aristocracy, after the desertion of some and the cowardice of others of their military leaders, with their legislature besieged, still maintaining the struggle for independence—surely that was a cause which Great Britain was bound to support, and whilst Spain and Portugal performed their duties, not to be deterred from affording every possible co-operation and assistance. Lord Wellington, he was proud to assert, had eminently displayed, throughout his campaign in the Peninsula, those qualities for which he had been before celebrated; and developed, also, every military qualification, his possession of which had been before doubted. To the talents of Lord Wellington, therefore he thought the country was greatly indebted.—But for his consummate skill, the eagles of Buonaparte would have been long since placed on the towers of Lisbon. He was the more anxious to say thus much on this subject, when he considered the delicacy of the situation of the hon. member (Mr. R. Wellesley, who was to follow him in the debate.) Portugal, then, offered every hope, and surely Spain was not the subject of despair—Spain, which had made such noble efforts when her treasure was absolutely in the hands of her enemy, and her legislature even at this moment blockaded by his armies. This hope, cheering as was the prospect it held out to all, ought to be a subject of congratulation, not only to the country but to the administration: it justified their views and their measures, and rescued them from a serious weight of responsibility.

In such a struggle Spain must no doubt have suffered severely; but there was as little doubt that France had also suffered deeply. If indeed he was asked, in what campaign since the revolutionary war, the enemy had lost most, he should point to the present. Perhaps it would not be in his power to offer the distinct and precise documents for his assertion; but still from general reasoning and particular dates, it would be found that France had poured into Spain by the Pyrenees no less than 650,000 men; that the present amount of the French armies in the Peninsula did not exceed 200,000 men;—and that in Spain the residue had found their graves. Was he asked where, he could not tell—the nature of the silent and desultory war there carried on, afforded the best explanation, and he was happy to find that the dispatches received as late as yesterday gave still further illustrations of its success.—To this species of warfare the nature of that country was peculiarly suited;—a country of which it had been said, that it was in possession of the French by day, and of the Spaniards by night. Not only, however, had Spain been benefited by our interference in her cause—not only had our own character and country been elevated and assisted—but all Europe, all the world perhaps, participated in its advantages. From what he now saw going on in the north of Europe, he had little hesitation in saying, that had it not been for Spain, the powers which were now debating the policy of France might have been suffering in her thraldom. Petersburgh itself, so far from being the extremity would have been the centre of French dominion.

With respect to our relations with America, he had only to hope that a wise and independent nation would view with indignation that spirit which France had evinced against the admitted laws of civilized states—that with that power originated the aggressions of which she complained—and that therefore every consideration of mutual interest would incline America to amicable accommodations, as it led him to hope that the discussions now pending would lead to an amicable termination. He doubted not that every mode, consistent with the honour of the nation, would be essayed to restore harmony between the two countries. But this he would say, that whether the Berlin and Milan decrees were rescinded by France, or were permitted to operate fully—still the feeling which her conduct must ultimately excite in America would be, that whatever her determination was, it did not arise from a principle of friendship; the vacillations of France must betray a doubt of her sincerity; and that doubt would awaken feelings of indignation in America, which would clearly inform her of the interested views by which France was actuated.

In turning to the internal condition of the country, he would call on the House with confidence to express their satisfaction at the growing improvement and prosperity of the empire. If the contemplation of that prosperity was more pleasing at one time than at another, it must be particularly so at the present period, when, from the circumstances of the war, the country had but little to expect from an intercourse with foreign nations, and when all the exertions of France were directed against the commerce of Great Britain. In such a conjuncture, it was no small consolation, that they had distinct proofs of her growing prosperity—that they were still possessed of the means of preventing the French Emperor from succeeding in his ambitious attempt to form an universal dynasty.—The view, therefore, of our commercial and financial concerns was, as represented by the Speech, with only one exception, particularly prosperous. Such a circumstance, at all times consolatory, was now, when the war had taken a new turn, especially so. In such a contest as we were engaged, some instances of partial failure, even in our maritime exertions, where we were most successful, must be looked for. But these were natural, and we must be prepared for them: we must not, at all events, allow them to cloud the prospect of our generally prosperous situation: we must not suffer them to destroy all confidence in the promise which futurity afforded us. The chances of our failure were few, the proofs of our success many and manifest; and it was now, not only our own interest, or the interest of our allies, but the interest of Europe, nay, of the world itself, for which we were contending. It was important to our relations with the enemy, with our allies, and with the world, that Great Britain should place a full and just confidence in her own strength and resources. She should take that imposing attitude, which would convey to the present age and impress upon posterity, that however perilous the season, Great Britain possessed within herself the seeds of perpetual renovation. No doubt parliament would consider itself bound by every tie of duty and interest to support such a contest as that in which the country was engaged. He now came to the last feature of the Speech—the resumption of the sceptre by his Majesty, under the care of Providence. Such a calamity as had befallen the sovereign proved at least one thing which must be cheering and consolatory to his heart; he meant, the filial duty and patriotism of his heir apparent. Perhaps at that very moment his parental mind was receiving from his son himself the confirmation of his affection; an affection which contributed to the happiness of the one, and constituted the glory of the other. It would be also his enviable lot to learn the sincere ardour of every other branch of his family; and united to that, every proof of the devotion and esteem of his larger family, the people he had so long and so mildly governed. The hon. gent. then concluded by moving,

"That an humble Address be presented to his royal highness the Prince Regent, to thank his Royal Highness for the gracious speech which he has directed to be delivered by the Lords Commissioners:

"To assure his Royal Highness, that we deeply lament, in common with all his Majesty's subjects, the great national calamity, so peculiarly afflicting to the personal and filial feelings of his Royal Highness, which has been the occasion of imposing upon his Royal Highness the duty of exercising, in his Majesty's name, the royal authority of this kingdom:

"To offer our humble acknowledgments to his Royal Highness, for the confidence with which he is graciously pleased to rely on the wisdom and zeal of parliament for assistance and support to meet the great difficulties which his Royal Highness feels to belong to the important trust reposed in him; and to assure his Royal Highness that our utmost endeavours shall be exerted to justify that confidence, and to give all the assistance, which this House is capable of affording, to his exertions for directing the powers with which his Royal Highness is invested, to the advancement of the prosperity, welfare, and security of his Majesty's dominions:

"To express to his Royal Highness our sincere condolence for the loss which his Majesty, his Royal Highness, and the Royal Family have sustained, by the death of her late royal highness the Princess Amelia:

"Humbly to state our participation in the satisfaction expressed by his Royal Highness, that fresh opportunities have been afforded, during the last campaign, for distinguishing the valour and skill of his Majesty's forces both by sea and land:

"To express the pleasure which we derive from considering that the colonial dependencies of the enemy have been still further reduced by the capture of the islands of Bourbon and Amboyna; and that the attack upon the island of Sicily, which was announced by the enemy to the world with a presumptuous anticipation of success, has been repulsed by the persevering exertions and valour of his Majesty's land and sea forces; and that the judicious arrangements adopted by the officers commanding on that station derived material support from the zeal and ardour which were manifested during this contest by the inhabitants of Sicily, and from the co-operation of the naval means which were directed by his Sicilian Majesty to this object:

"Humbly to express our hearty satisfaction in learning that, in Portugal and at Cadiz, the defence of which constituted the principal objects of his Majesty's exertions in the last campaign, the designs of the enemy have been hitherto frustrated; that the consummate skill, prudence, and perseverance of lieutenant-general lord viscount Wellington, and the discipline and determined bravery of the officers and men under his command, have been conspicuously displayed throughout the whole of the campaign;

and that the effect of those distinguished qualities, in inspiring confidence and energy into the troops of his Majesty's allies, has been happily evinced by their general good conduct, and particularly by the brilliant part which they bore in the repulse of the enemy at Buzaco; and to assure his Royal Highness of our readiness to consider of the means for enabling him to continue the most effectual assistance to the brave nations of the peninsula, in the support of a contest, which they manifest a determination to maintain with unabated perseverance; and to state our entire concurrence with his Royal Highness in feeling that the best interests of the British empire must be deeply affected in the issue of this contest, on which the liberties and independence of the Spanish and Portuguese nations entirely depend:

"Humbly to return our acknowledgments to his Royal Highness for informing us that discussions are now depending between this country and the United States of America, and to assure his Royal Highness that we humbly and sincerely join him in wishing that he may be enabled to bring these discussions to an amicable termination, consistent with the honour of his Majesty's crown, and the maritime rights and interests of the United Kingdom:

"To thank his Royal Highness for having directed the estimates of the current year to be laid before us, and to state how much we rejoice to learn that, although the difficulties under which the commerce of this kingdom has laboured have in some degree affected a part of his Majesty's revenue, particularly in Ireland, yet that the revenue of Great Britain in the last year, although unaided by any new taxation, has been greater than was ever known in any preceding year; and to assure his Royal Highness that he may confidently rely on the zeal and loyalty of this House to afford his Majesty adequate supplies for the support of the great contest in which he is necessarily engaged:

"Humbly to convey to his Royal Highness our perfect conviction of the anxiety with which his Royal Highness wishes to be enabled to restore, unimpaired, into the hands of his Majesty the government of this kingdom; and most respectfully to assure his Royal Highness, that, with the deepest gratitude for the sentiments which he has been pleased to express, and the most perfect confidence in the wisdom and efficacy with which he will administer the Royal Authority during the continuance of his Majesty's indisposition, we most devoutly join with his Royal Highness in praying that the Almighty may be pleased in his mercy, to accelerate the termination of a calamity so deeply lamented by the whole nation, and so peculiarly afflicting to his Royal Highness himself."

Mr. *Richard Wellesley* rose, and, in a maiden speech, seconded the Address. He fully concurred in all the statements and sentiments which his honourable friend who preceeded him, had so ably set forth: in none, however, did he more cordially coincide, than in the just claim to the confidence which the House and the country were called upon to repose in the eminent virtues and accomplishments of his royal highness the Prince of Wales. From that Speech which his Royal Highness had given his commands to be read to parliament, from the principles which it laid down, and from the hopes which the profession of such principles so fairly inspired, the House would draw an auspicious omen, not only of his immediate government, but of his future reign (hear! hear.) They would also doubtless do justice to those sentiments of filial reverence and affection in which the Prince Regent, with such perfect propriety of feeling, has regretted the afflicting cause which imposed such duties on himself; and to the fervent hope that by the speedy restoration of his Majesty's health, the necessity which imposed those duties would be removed. Such was his sense of the principles and the conduct of his Royal Highness, and he was sure that this expression of his individual feelings was but the echo of the public voice (hear! hear!) In the speech of his Royal Highness, the necessity of persevering in our exertions against France, was forcibly inculcated. It was a necessity self-evident, to be traced in the acts, decrees and whole conduct of the emperor of France. He waged war not for any of the common purposes of war,—not to receive satisfaction for supposed injuries,—not to recover territory to which any presumed right was set forth,—not to induce his antagonists to accede to any equitable terms of accommodation that might have been refused: No; his hostility was directed at our existence: the aim of his inveterate hatred and unintermitting machinations was to subvert and undermine all our establishments;—and therefore when he considered the motives by which that ruler was impelled, and applied those motives to the impediments by which France was every day endeavouring to obstruct the commercial intercourse of this country and of the world; it was not because its ruler wished to cripple commerce in this country, or to ultimately acquire it for the nations of the continent subject to his sway, but, because it was his policy to put down, if possible, the spirit of freedom which sprung from and was nurtured by commercial intercourse—that spirit which the history of this kingdom proved to be most encouraged by commercial intercourse and greatness—a greatness which at one time raised the Hanseatic towns to a level with some of the most important powers of the continent, and the extinction and absence of which have now depressed them to the lowest department of France. Whilst these were the objects of our enemy, he could not understand upon what ground, without first repressing the power, and abating the pretensions of France, any man could entertain a rational hope of any durable peace with such a power.—Those who were inclined to take a fair unprejudiced view of the contest in the Peninsula must see many considerations in the fortitude and perseverance with which both Spaniards and Portuguese maintained it, many considerations which sternly recommended a firm perseverance in that wise policy which this country had acted upon since the commencement of that generous and glorious struggle. The reverses sustained by the Spaniards had neither damped their ardour, nor relaxed their exertions. When the French army over-ran Andalousia almost to the gates of Cadiz, and when the most sanguine well-wishers of the Spanish cause began to despair, their hopes were suddenly revived,—the duke of Albuquerque saved Cadiz, and the French were repulsed.—Buonaparté had essayed all the arts of his policy—gentleness and severity were used in their turn, and equally without effect. Nothing could unbend the resolution or crush the spirit of the Spanish people. If such were the effects of that magnanimous zeal which first prompted that gallant nation indignantly to spurn the yoke of a foreign despot, what might not be expected from her future efforts, now that she had the best incentive to exert, and the most gratifying recompence, to reward them, namely a constitution according to law. (hear! hear!) The Cortes has been assembled and possessed the confidence of the nation. Thus was the spirit of freedom now embodied in a representative government, and directed by deliberate wisdom; nor could the attitude which the great council of the Spanish nation now presented, fail to remind him of the ancient Roman senate, who sat in the calmness and majesty of national deliberation, while the enemy were at the very gates of Rome. The enthusiastic patriotism of the Spaniards was every where in activity. The most valuable maritime provinces of Spain, Murcia, Gallicia, and Valencia, were, with their own population, able to keep in awe the regular armies of France; whilst the interior of the country, and even the palace of the usurper, at Madrid, has not been safe from the incursion and attack of its various bodies of partizans.

But he had now to point the attention of the House to that part of the Peninsula where the efforts of the British arms were more particularly exerted. And when the detail of our operations in Portugal was to be considered, it would be necessary to review them with relation to those of France; and to the menaces and promises in which the enemy had at different times so vainly and vauntingly indulged. The House must recollect that, according to the proclamations of the French generals, the French army was to have expelled the British force from Portugal, and to be in possession of Lisbon before the present time; such were their promises and predictions. How have they been fulfilled? In the month of July last, Marshal Massena crossed the Coa; yet on the 26th January, he was still fifty leagues from Lisbon. The march from the Coa to the lines in front of Lisbon, which was merely to have paraded the imperial eagles through the country, took up from the month of July to October. On his arrival, did he attack these lines; did he fulfil any of his promises or threats? Were the British army forced to retreat? did he drive them into the sea? No: in place of realizing any of his idle menaces; instead of any bold attempt to redeem his pledge, he availed himself of a midnight retreat, closely followed, however, by that army which he was to have expelled, and which has since blocked him up for the space of two months in his new fortified position at Santarem. It might perhaps be considered as indelicate in him to expatiate on the merits of the commander in chief (lord Wellington) under whose auspices these operations had been so ably conducted, whose conduct and character as an officer and a relative must ever be with him an object of affection and admiration. But surely it would not be deemed an exaggeration of paneygeric to say, that lord Wellington had at least conducted the campaign without any disgrace to the British arms, or any disadvantage to the cause in which they were employed. That he had kept in check in a kingdom small in geographical extent, and little abundant in resources, a French force for a longer period of time than had been enough for other armies of the enemy to overthrow some of the greatest military powers of the continent. (Hear! hear!) That whenever he has been engaged he has uniformly defeated his enemy—that whilst the army which he has the honour to command reposes in him its unlimited confidence, the enemy with whom he has to contend illustrate by their caution the conviction they entertain of his talents and character. The true merits of military genius are best appreciated by those whose province it will be to review the events of these times for the instruction of posterity, and he (Mr. W.) had no apprehension but that history would confirm the decision of lord Wellington's contemporaries. (Hear, hear!)

The House would no doubt attentively consider that part of the Speech of his Royal Highness which so truly stated it to be the interest of this country to persevere in assisting the Spanish cause. Now that the balance of power, so long the object of political controversy and military strife, was destroyed by the overwhelming despotism of France, was it not of the greatest importance to Great Britain to secure some counterpoise to that enormous power and influence possessed by France on the continent? and what more effectual counterpoise were we now likely to obtain, than the alliance of a people closely bordering upon France, and animated by the most deadly hate towards their oppressors, while to this country they were bound by principle and prejudice; by the recollection of ancient treaties; and by the experience of recent benefits.

As to America, there was every probability of a speedy adjustment of our differences with that country, without a relinquishment of that maritime pre-eminence which it would be criminal to surrender, and which consequently would never be made the price of that adjustment.—If there was nothing in the aspect of our foreign affairs to excite despondency or despair, neither was there in that of our domestic situation. If there had been some failures from mercantile speculation, these were scarcely more than were incidental to the spirit and enterprise of British commerce: and when the House would recollect the heavy calamities of 1796 and 1797, and yet how rapidly public credit rose, and public opulence recovered from the misfortune of the time, they would feel the fullest confidence, that the late failures would not be felt by the commercial interest of England. Let the British merchant learn to bear the calamities which pressed upon him, when he saw how much more heavily they pressed upon the enemy; when he saw the restrictions on commerce producing not only an ill-will, but a resistance, which in no long time might force the abolition of the anti-commercial decrees.

The hon. gentleman said, he had now to thank the House for the kind attention with which they had favoured him; nor would he trespass longer in their patience than while he added, that the character of the prince Regent, the complexion of the times, and the spirit of that House seemed to justify him calling for an unanimous vote in favour of the address which he had the honour of seconding.

Mr. *Ponsonby* said, that in all that had been said by the hon. gent. who moved the Address, and in all that had been said, with so much eloquence, by the hon. gent. who seconded that address, relative to the character and conduct of his royal highness the Prince Regent, so far did he cordially agree with them. There was no tribute of applause too high, in his opinion, to mark the conduct of the Prince in so trying a situation; and he thought it was the bounden duty of that House, to give to his Royal Highness the most effectual and efficient support in discharging the duties of his painful situation. Whenever the servants of the crown should submit to that House measures of which he should think it his duty to approve, to all such measures he would be most happy to give his cordial assent; but if, on the other hand, any question should occur in which he should feel himself bound to oppose the mode of carrying on the Regent's government, he should give that opposition with the deepest pain and regret. He did not rise then for the purpose of making any formal opposition to the Address; so far from it, there were many parts of it, respecting which he entirely concurred with what had fallen from the hon. gentlemen who preceeded him; neither did he wish to draw forth a debate upon any of the points on which he differed from those gentlemen; but of those points in which he concurred with them there was none in which he more cordially agreed than in that respecting our relations with America. He received, with the warmest satisfaction, the declaration of the disposition of ministers to conciliate the United States of America.—With respect to the affairs of Spain and Portugal, he should say but little, anxious at the same time that that little should not be misunderstood: it was simply, that the Speech appeared to him to imply an entire approbation of the conduct of our affairs in the Peninsula, which unqualified approbation he was by no means then prepared to give; but neither was he disposed to express his decided disapprobation. He waited for fuller information before he could give so decided an opinion as the Speech seemed to him to call for. It was his anxious wish to avoid saying any thing that could be painful to those present, still less to those who could not hear his statement; but it was necessary for all persons to disengage their minds of every prejudice on this subject. It could not be denied that there were many hopes fondly indulged in at the commencement of that struggle, which had not since been realized; but this he should not now go into. The gentleman who went before him had evinced a disposition to avoid all subjects that could lead to dissention. He applauded the example they had set, and should now follow it, abstaining from all further observations, except that of asserting his right of excepting himself from any general conclusion which might be drawn of his entire approbation of the management of our affairs in the Peninsula, and declaring that he was, notwithstanding his not then opposing the Address, free to observe upon them at any future period of the session.

Sir *Francis Burdett* said, that it was not his intention to take up much of the time of the House; but there were one or two topics on which he would slightly touch, before he sat down. He was ready to give the Prince Regent credit for the best intentions; but it was to be greatly lamented, that he was placed in such a situation as his present one. At the end of three months debate and discussion, the country was left without the constitution of England. He could have wished, that the Prince had not accepted his present situation. His not meeting the House on this day, was a proof of his dissatisfaction at the conditions upon which he held the Regency. After raising one phantom, we had raised another, and called it a Regent; we had made a governor without entrusting to him the power of government.—He must further observe, with a view to reprobate a practice which had crept in only within these few years, and that was, not acquainting the members of the House generally with the substance of the Speech, before they were called on for their votes upon it. As the practise was now, they were called on suddenly to give their votes on the whole mass of the Address, containing, as it did, topics of the most various and highest importance. No good reason could be assigned for this deviation from the ancient mode. It was not his intention to proceed at that moment, under such circumstances, to consider the Address. He should feel it his duty to move for an adjournment until to-morrow, for the express purpose of taking time to consider the subject. He would not, however, press the motion, if it did not appear to meet the approbation of the House. The not meeting the Regent to-day, was to him an evident proof of his dissatisfaction with the ministry who had been forced upon him. The Regent would not appear in public with them. He would not be seen by the House in company with them. This resembled the ludicrous scene in the play, where Falstaff musters his recruits, and finds upon inspecting them that they are such ragamuffins, such a pitiful scarecrow set, that he would never march through Coventry at the head of them. The hon. baronet then said, that he was called on for his vote without having had time for consideration; and concluded by moving, That the House should adjourn until to-morrow.

Mr. *Lambe* agreed with the mover and seconder of the Address, that there were many points in it on which the House might fairly be called on for an unanimous vote; but there were also some on which most mature consideration would be proper and necessary. From the manner in which the speech had been brought before them, no time was allowed for examining its topics, and upon the Address, therefore, he could not give the only vote he ever wished to give, a conscientious vote, on such short consideration. As to the parts of the Speech which related to Sicily and Portugal, he had no hesitation in saying, that it was on the part of the French the most lagging war which they had carried on since 1805; that terrible year, when despair first seized upon Europe. Their late progress had been slow, but what was the reason? In the four first years after the calamitous period of 1805 they had subverted the four great empires of the continent. It was this that made their conquests now few and slow. They had made but few conquests in the last campaign; but it was because so much less was left to conquer. He concluded, by expressing an earnest wish, that as the ensuing session was not likely to be spent in inquiries into the causes of any great national disaster, as there was not any domestic question likely to occupy their feelings and attention in the manner in which they had so lately been occupied, the House would set themselves seriously work and diligently attend to the concerns of the country: but that above all they would see the necessity of pursuing a system of the strictest economy. He trusted that the estimates would be laid upon the table as soon as possible, and that the fullest and fairest opportunity would be given for weighing and considering every item of them. All parties, in and out of that House were unanimous as to the necessity of economy in the public expenditure; and he trusted, that the best means would be resorted to without delay, for the purpose of effecting an object so desirable.

Mr. *Parnell*, without any intention of entering at length into the topics contained in the Address, wished to observe, that neither the Address, nor the speeches of the honourable mover and seconder, had given an accurate statement of the situation of the country. The state of Ireland had been totally omitted. He had hoped that now at least the ministers would have relaxed the system of silence on the subject of Ireland, which they had maintained ever since they came into office. They were quite callous; their senses appeared perfectly benumbed; they did not appear at all to be aware of the state of that country. But if ever there was a subject which deserved the utmost anxiety and attention, night and day, it was the condition of Ireland at this moment. He could not consider that subject without a deep sense of the dangers in that quarter, without a degree of alarm which he could hardly find words to express. Yet nothing had been said on this momentous topic! He thought, that as a mark of common respect to the people of that country, the affairs of Ireland ought not to have been passed without notice.

General *Tarleton* expressed his strongest dissent with regard to that part of the Address which referred to the transactions in the Peninsula; but most heartily concurred in what had been said respecting the Prince Regent. He entertained the highest veneration for his person, his principles, and his conduct, and above all for his constitutional knowledge and opinions.

The question was then put upon the Address, which was agreed to.

[State of the King's Health in 1804.] Mr. Whitbread gave notice, that he should, on Monday next, bring under the consideration of the House a subject which he had recently had occasion to mention, namely, the state of his Majesty's health in the year 1804. The way in which he should proceed would be either by moving that a committee be appointed to search the Journals of the House of Lords, and report to that House what they should find therein relative to the late examination of his Majesty's physicians before a committee of the lords, touching the state of his Majesty's health in the year 1804; or by proposing a resolution, praying the lords to communicate so much of such examination to that House. Now that he was on his legs, he should take that opportunity of asking the right honourable the Chancellor of the Exchequer, whether it was his intention to propose, in the course of the session, any permanent measure as a provision against the recurrence of the calamity with which his Majesty had been recently afflicted. For himself he could say, and, he believed, for every gentleman who heard him, that he was firmly of opinion that such a permanent provision was indispensably necessary. Feeling strongly this impression, he was anxious to know whether it was in the contemplation of the right hon. gent. to bring forward any such measure?

The *Chancellor of the Exchequer* replied, that he had no such intention.

Mr. *Whitbread* then gave notice that he should take an early opportunity of bringing the matter under the consideration of the House ;] and added that he felt it right, under the present circumstances, to give this early notice of his intention.

[COLD-BATH-FIELDS PRISON.] Sir *Francis Burdett* rose merely to ask a question upon a subject which he found stated in the public prints. He should not take upon him to say, that his information was correct; but if not he would be in the correction of a right. hon gent. (Mr. Canning) whom he had seen in his place that night. The subject, upon which he wished to be informed, was, as to the case of an individual, a foreigner, who, if he was correctly informed, had been confined for now nearly two years in Cold Bath-Field's prison, in solitary confinement, and debarred of the use of pen, ink, paper, and books. The circumstances of his imprisonment were these:—This man, a Portuguese officer, by name Colville, had in the year 1809, while Lord George Stuart was cruizing off Cuxhaven, been invited on board his lordship's vessel to dinner, and after dinner was arrested by virtue of a secretary of state's warrant, signed George Canning. The man was sent prisoner to Heligoland, where he was confined in a dungeon for a fortnight, and afterwards brought to England, and committed to Cold-Bath-Fields Prison, where he had since been confined under the circumstances which he had already stated. He wished therefore to know whether the case of this individual was such as he had represented it, and what were the grounds for the treatment he had received?

Mr. *Yorke*, not knowing to whom the question of the hon. baronet was addressed, yet, as it referred to a transaction, in which an officer of the profession connected with his department was concerned, he felt it necessary to say, that so far as he was himself concerned, he knew nothing of the matter; he could, however, assure the hon. baronet, that inquiry should be made into the transaction.

The *Chancellor of the Exchequer* observed, that as the hon. baronet had alluded personally to a right hon. gent. and stated himself to be under his correction, it would have been quite as well if the hon. baronet, when that right hon. gent. had quitted his place, had deferred his question till he should be again in his place.

Sir *F. Burdett* had no wish to press the question in this instance. Having seen the right hon. gent. in his place, he had supposed he might still be in the House. He should take another opportunity of repeating his question, and in the mean time he hoped that the necessary inquiries would be made.

HOUSE OF COMMONS.

Wednesday, February 13.

THE LORDS COMMISSIONERS' SPEECH.] Mr. Milnes presented at the bar the Report of the Committee appointed to draw up an Address to his royal highness the Prince Regent. On the question that the Report be brought up,

Mr. *Hutchinson* rose and said, that he perfectly agreed in the propriety of an observation made last night, respecting the manner in which that House was so often taken by surprize at the opening of a session; the greater portion of the members heard nothing of the Speech till a few minutes before they were called upon by the ministers of the day to vote in favour of the Address, which was to echo every part of it. This was neither fair to that House, nor consistent with respect due to the measures upon which they were called upon to decide; for gentlemen were thus forced into the predicament in which they stood last night, and compelled either to oppose the Address altogether, or vote in opposition to their judgment, or at least without the fair opportunity of exercising it. This much he said against a usage becoming of late too prevalent.—With respect to the Address itself, he should say, that in the sentiments expressing an anxious wish for the recovery of his Majesty, he most fully concurred; and he could assure the House, that no man more cordially or sincerely agreed in all the expressions of respect and admiration for the exemplary conduct of his royal highness the Prince of Wales than he did. He agreed in every praise that could be bestowed on the courage and discipline of our brave army in Portugal, and on the skill and ability of its noble commander; but he could not omit taking that opportunity of protesting against the manner in which his Majesty's ministers had hitherto supported lord Wellington and the British army in Portugal. He hesitated not to say, that the efforts of our brave army had not been duly seconded by ministers: the supplies of men had neither been effective as to strength, nor seasonable as to time: the contribution and the manner of contributing wore all the features of that lingering indecision, equally incapable of acting or resolving. There prevailed throughout the conduct of ministers all the vice of half measures; there appeared to be neither plan nor principle, design nor method; reinforcements were sent our too trifling to be of any use, had they been seasonable; and yet so ill timed, as not to have proved of much use had they been sufficiently effective. If an adequate and seasonable supply of men after the battle of Busaco, could have enabled lord Wellington to have then fought the battle which might be hereafter to be decided by numbers—did not this involve a serious charge against the negligence or ignorance of ministers? He lamented, therefore, that before the close of the last session, ministers had not provided themselves with the power to take advantage of the voluntary services of such troops as would not otherwise be so disposeable; in which case, they might have reinforced the army of lord Wellington to any amount that might be necessary. Would it not, he should ask, be disgraceful if in the event of such a battle, it should appear that France could collect from all quarters, and convey over land greater numbers of men in a given time than England could with all the boasted advantages of her marine, and the comparative ease, security and expedition of a short passage by sea, and possessed as she was of the whole navy of the world? He did not wish to indulge in gloomy anticipations, but with respect to what had past, he insisted that our brave troops had had to contend not only with the active enemy opposed to them abroad, but also with the imbecility, irresolution, ignorance, and negligence of the ministers at home. What might have been the original design of ministers as to the mode of supporting the efforts of lord Wellington, he knew not, and apprehended that ministers were perhaps as ignorant of such design as he could be; but of this he was certain, that whatever their design might have been, their measures had not effectively seconded lord Wellington. They must, however, in sending out a large army to Portugal, have intended to have done something. Was it by such contemptible children's play, as the country had witnessed on the part of ministers, that they expected to strike a decisive blow against the tremendous power of France? if their intentions were of so vast a scope, why should the measures taken in avowed prosecution of them, be so meanly inconsistent, so wretchedly disproportionate? If, on the other hand, the struggle was in the end to be abandoned as hopeless, why exhaust the means of our defence in fruitless specimens of British bravery, always brilliant, but always unavailing?

Considering, then, the Address as communicating nothing, as pledging the House to nothing, perhaps as meaning nothing, he was so far disposed to think it in this respect unobjectionable. But though former precedents and ordinary circumstances might have justified such a mode of proceeding at the opening of a session, the critical state of the empire imperiously demanded the adoption of a totally different course. Such a moment was not suited to idle and empty compliment, but one on which the boldest truths should be spoken, and measures calculated for the salvation of the state fearlessly suggested. The Address he thought should be one rather of condolement than congratulation: while it sincerely deplored the melancholy state of his Majesty's health, it should in the most unqualified manner represent to the Regent the awful circumstances under which he was called upon to assume the reins of government. While that Address acknowledged the parental affection of his Majesty to his people, and his anxiety at all times for their welfare, it should contrast the general prosperity of the empire at the moment of his accession, with the accumulated difficulties and gloom of the present hour. It was far from his wish to say any thing that could look like an invidious or ungracious reflection on the reign of a monarch so justly esteemed for his many private virtues; but if the amiable qualities and the best intentions of a virtuous monarch were not sufficient to rescue his people from the baneful influence of bad advisers—an influence which had so long and fatally oppressed the people, and had, at one time, only stopped in the dismemberment of the empire—if such could have been the ruinous consequences even during the reign of the present King, what future sovereign could be too cautious in committing himself to the counsels of wicked, ignorant, or interested men? He thought, therefore, that their Address in such a crisis as the present, ought to remind the Prince Regent how great a portion of our empire had been already lost by the effect of mischievous and unwise councils. The Address should also state the disturbances and dissatisfaction which had frequently prevailed throughout this reign, in Ireland, and then continued unhappily to prevail. It should not pass over in silence the enormous increase of the National Debt, and of the public burdens, since the commencement of this reign. While the injury sustained by the manufactures and commerce of the country, being driven by the successful efforts of the enemy from the natural and accustomed channels, had greatly impaired the national means, and added to the embarrassments of the times, which were becoming every moment more distressing and alarming; he thought too that such an Address ought to contrast the present gigantic power and means of France with what they had been at the accession of his present Majesty. It should state in emphatic language, the conviction of the House of Commons that much of the present peril, much of the public burdens, much of the grievances and consequent dissatisfaction of the most warlike and capable part of the population, were fairly attributable to a bad and narrow policy—suggested by ignorant or wicked ministers. Condoling, therefore, with the Prince Regent, on his being called in such a situation of things to the helm of the state, they should strenuously exhort him to reject such councils, and to resist such measures as by experience had been proved to be greatly disastrous, and which could not be persevered in, but to the certain and utter ruin of the empire.

For himself, he should say that it was his solemn and decided conviction, that the affairs of this country had now arrived at such a degree of difficulty and danger that flattery and falshood could no longer deceive. It was the duty of the House to employ only the language of sincerity and truth. It was time to substitute for those pretences and deceptions under which the affairs of the nation had been so long mismanaged, a system of sound and manly policy, which alone could extricate it from the perils with which it was unfortunately on all sides beset. Let their conduct be suitable to a period of such awful interest: let them adopt towards the Regent the language of truth, not of hypocrisy: tell him of the lamentable incapacity of his ministers: that they possessed neither their confidence, nor that of the public, and that they were capable of suggesting no measures but such as they thought calculated to ensure their ill-gotten power, and gratify their miserable ambition. The Regent should be reminded, that they commenced their career by affixing an indelible stain on the national character, in their daring violation of the laws of nations, and by blasting the hopes and outraging the feelings of millions of his father's subjects—that they had since weakened and degraded the kingly office—deprived the empire for months of an efficient executive, and had by their intrigues, shaken the very pillars of the monarchy—that the period was critical—the danger imminent—the national calamities numerous—the pressure on the people nearly intolerable—that decisive measures, neither partial nor occasional, could no longer be deferred—neither should they yet abandon the hope of a secure and honourable peace, pledging themselves at the same time, to the most vigorous prosecution of the war, should any sincere attempts at peace on our part prove ineffectual: expressing their confidence that the resources of the country under sage counsel were fully equal to meet the exigences of the moment. Let them assure the Regent that they will narrowly watch over the public expenditure, and that to shew their sincerity in the cause of general reformation, they were determined to begin by reforming themselves—and above all to heal, if possible, the rankling wounds of the Irish, who had been uniformly neglected, insulted and oppressed. They should not omit to declare their gratitude to the Regent, for accepting the Regency under circumstances so embarrassing and distressing. Whatever pleasure he should have in avowing his confident expectations of the benefit likely to result from the Regent's government to the empire at large, and particularly to Ireland, he must refrain from indulging in such declarations at present, lest they might subject him to imputations, of all others most to be avoided by a member of parliament. At the same time he could with truth aver, that such confidence was fully justified by, and entirely founded upon, the former acts of his Royal Highness, in defence and on behalf of what he was known to consider as a most valuable, but too much neglected part of the empire. At a most critical and afflicting period, a few years since, without the knowledge of those for whom he interfered, he most strenuously and eloquently exerted himself in their behalf, by urging to the minister of the day the adoption of soothing and conciliatory measures, offering himself to be the instrument for carrying them into effect. Those sentiments he felt fully satisfied could not have been since lessened, however much they might have been increased; and it was gratifying to reflect that the people of Ireland, the greater part of whom were ignorant to the full extent of their obligations to his Royal Highness, should have ever felt towards him the most disinterested attachment, the most entire devotion, of which they afforded a convincing proof on a melancholy occasion similar to the present, when the Irish parliament, by the unanimous approbation of the people, conferred upon his Royal Highness, with a generous confidence, those powers which were denied him in his native land.—The hon. gent. then protested against the practice which had prevailed with all administrations of which he knew any thing, of omitting all mention of the affairs of Ireland, in the speech at the opening of the session. Why was the name of Ireland omitted in every speech? Why such industrious neglect of a brave people, and their unmerited sufferings? He must say, that if the present ministers had one principle to guide their conduct, it was that of contempt for Ireland. When an Irish member rose to demand redress for his injured country, his rising was the signal for a laugh from the Treasury bench. An hon. friend of his had met with an instance of such indecent levity no later than last night. He would rather be the object than the author of such indecency.

Sir *T. Turton* expressed his regret that nothing had been said in the speech of the desire of the Regent, if possible, to bring about an honourable peace—the only legitimate object of all war. He would not pledge himself as to the transaction with regard to the Peninsula; but he did not indulge those expectations of success which some other gentlemen, it appeared, entertained. The contest might add to the glory of our arms, but nothing more he thought was to be hoped for. Its termination would probably be the grave of our commercial prosperity, and of every thing but our honour. He had always maintained, that it was idle to contend with France on the continent. We should soon have in our possession there, only Lisbon and Cadiz, and these must be preserved at an immense expence.. He noticed an invocation in the speech of the mover or seconder, to support the government. He would support it as far as he conscientiously could, and always did—but the invocation was very unnecessary at present, considering the additional influence which the administration would possess. But they had no claim to any particular allowance. It was a duty to watch every one of their measures, and to oppose them if pernicious; and that duty he would perform without any factious motives. He said this, that he might not be considered as pledged to assent to any thing of which he really disapproved. In all that had been said about attachment to the King and the Regent, he perfectly concurred. In a real feeling of attachment to both he would yield to none though he would contend with nobody in professions.

Mr. *Canning* rose, not for the purpose of prolonging this discussion, but, as his name had been brought forward in a conversation last night, and as he saw the hon. baronet, by whom it had been mentioned, in his place, he wished to make a short observation upon the subject. As far as he could collect what had passed last night generally, the hon. baronet had stated, that a Portuguese officer of the name of Chabot had been seized about two years since off Cuxhaven, and confined for some time at Heligoland; after which he was brought to England, and committed to solitary confinement in Cold Bath Fields prison, by virtue of a secretary of state's warrant, signed by him (Mr. Canning). He professed entire ignorance of any such transaction: but he was certain that he had never signed any such warrant, because it was out of the course of office that he should have done so. If he had received any information at his office from abroad, the course would have been to communicate it to the secretary for the home department, from whose office the warrant of commitment must issue. He could wish the hon. baronet to be more precise as to dates and times; for if his name appeared in the transaction at all, it must have occurred early in the year 1809, he having retired from office in the month of September in that year.

Sir *F. Burdett* was much surprised at what he had heard from the right hon. gent. The name, however, which he had mentioned, was not that which had been communicated to the right hon. gent. The name he (Sir Francis) had stated, was Colville. The circumstance of which he had spoken took place in 1809, when lord George Stuart commanded a British force off Cuxhaven. The person now in confinement had dined with lord George Stuart, when his lordship suddenly told him he was his prisoner. The Portuguese at first treated this as a jest, when an order for his apprehension was produced, signed "Canning," and he was immediately taken into custody. He was not allowed to go on shore or to see any of his friends, but was thrown into a dungeon at Heligoland, where he was closely confined for a fortnight, when another warrant arrived, ordering him to be brought England; and in consequence he was conveyed to this country, and confined in Cold Bath Fields prison. He had there been shut up in a solitary cell, and not allowed pen, ink, paper, or any thing. As yet he had never been examined, according to the information he (Sir F.) had received. Such was the statement he had made, which he should be most happy to find was without foundation.

Mr. *Canning* understood, from what he had just heard, that the imprisonment of the man was not imputable to him. At present, however, he could only repeat, that he recollected nothing of any such circumstance having at any time taken place.

Mr. *Whitbread* was surprised that they had no official information on the subject.

Mr. *Peele* stated, that there was a person confined in Cold Bath-Fields prison, who had been arrested as a spy. Some inquiry had already been made into the circumstances of the case, but at present he was unable to make any statement that would completely explain them.

The question, that the Report be now received, was put and agreed to.

Mr. *Whitbread* felt it to be his indispensible duty to make some observations upon the Speech itself, upon the Address proposed in reply to it, and also upon the speeches of the honourable mover and seconder of that address. Before he commenced his observations, however, he felt it necessary to state, that he agreed most fully in every thing which had last night fallen from his right hon. friend (Mr. Ponsonby) upon this subject. Most completely did he concur in the affection and attachment expressed in the Address, both to his royal Highness the Prince Regent, and to his Majesty, for the speedy and perfect re-establishment of whose health, he, in common with the country, most sincerely prayed. There were, however, both in the Speech and in the Address numerous omissions at which he could not help expressing much surprise, and which he could not pass by without noticing. At a time like this when so many rumours were afloat, when so many untoward circumstances had actually come within their knowledge, it was a surprising and unaccountable event, that no mention whatever had been made of Ireland, except a passing observation on the deficiencies of her revenue. After even noticing this deficiency, the conclusion which was drawn of the comparative prosperity of the finances of the country generally, was curious in the extreme: it was, however, yet to be accounted for. With respect to America, he was glad to find, that after so many blunders, so many disagreements, and such gross impolicy, we were at length about to pursue the right line, and aim at conciliation. But there was one omission in particular which he must confess he witnessed with grief. He was grieved to find, that when the efforts necessary for the support of the war had been touched upon in the Speech, something had not been inserted expressive of a sincere and ardent desire that these efforts might lead to the only legitimate object of all warfare, a safe and honourable peace. On this point both the Speech and the Address were silent; and if he were to augur any thing upon this topic from the speech of the hon. mover of the address, it would be, that we were to be engaged in a lasting, obstinate, interminable, annihilating warfare.—As to the state of our affairs in Portugal, he must now most solemnly guard himself against the imputation, which might hereafter be made, of his having given any approbation either of the plan or execution of the campaign. He was quite ignorant upon the subject; and he believed that whatever praises might be given to the skill and valour of the noble lord who conducted it, no man would say that his dispatches contained any thing like an intelligible history of his progress. All he knew on the subject was, that with the largest army we had ever sent into Europe, we undertook the defence of Portugal; that, after advancing into the country, we had patiently witnessed the fall of two towns; that, on the approach of the enemy we had retreated; that, after gaining the battle of Busaco, we had lost Coimbra; that we had talked of our confining the French to their entrenchments, and yet were ourselves kept by the enemy effectually in check From this knowledge only, until it was increased by more, and of a nature more explicit, he must beg leave to decline to giving any approbation of the campaign. When he recollected that this country had made every effort to send out reinforcements; when he reflected that an important victory ought to have been expected, as well from the magnitude of our army as from the hopes held out by its commander; when he had heard from statements here, that lord Wellington in his retreat was consuming and devastating the country through which he passed, so as to ensure the destruction by famine of every Frenchman who should escape the sword; and when he saw that they had advanced with every supply and every confidence, he certainly must suspend his approbation until more satisfactorily informed. It was some time since lord Wellington had said, that the French possessed in Portugal only the ground which their army occupied; but now it remained to be seen, what portion of the country was in the possession of lord Wellington himself. He did not mean to say that all this might not be retrieved by a brilliant victory; but until this was achieved—until he had documents explaining and describing all which had taken place before, he should cautiously abstain from passing his final and deliberate judgment.

But should even a brilliant and decisive victory, such as that he had alluded to, be achieved, he could perceive but faint hopes likely to result from it, of the final rescue and deliverance of the Peninsula. Why did he say this? Because, when the most important diversions had been previously made for Spain, Spain shewed no disposition to avail herself of them—no desire to retrieve her endangered fortunes. He had only to instance two circumstances in the progress of the contest in Spain, as a proof of this assertion. It would be in the recollection of the House, how Buonaparté had been called away from the pursuit of the British army under the gallant sir John Moore;—an army sent to Spain in that improvident manner which so often characterised the measures of the ministers of that day; an army which for that reason suffered so much without any proportionate advantage, the commander, too, having perished, though his glory was immortal; from the pursuit of that army Buonaparté was called away to defend himself against the attacks of Austria, or, if you please, to be the aggressor in the Austrian war. Here was one glorious and golden opportunity for a great effort to drive the French from the Peninsula. There, however, they remained. The Spaniards wasted the precious moments of this fortunate but unexpected pause in their fate, in shameful inactivity and indecision; a pause during which the ruler of France, by drawing off his troops into Germany, made a voluntary diversion in favour of Spain: yet Spain took no advantage: she did nothing. Even now, when the whole French force was engaged by us, and when we were given to understand such animosity prevailed against them in the country, what was Spain doing? When he considered these things; when he considered, also, what a waste of life and treasure we had fruitlessly made in her cause; he confessed, that he was very far from being sanguine in his expectations of the result.

There was, also, another most surprising omission in the speech; an omission which had, indeed, been attempted to be supplied by the proposer of the Address: he meant, with respect to the situation of the northern powers of Europe. When mention had been made about the present security of the throne of Petersburgh, there was another part of the north which forcibly obtruded itself on his recollection. It should not be forgotten, that even during the campaign in Portugal, a general of France had silently slid into the friendly, allied, subsidized throne of Sweden—that Sweden had now sent her outcast monarch as an exiled private gentleman into our country for refuge—and had admitted Bernadotte into her confidence, not by interest, not by threats, not by opposing armies, but by her own voluntary consent. This was, or ought to be, to us, a striking example how impotent were our hopes that the enmity of every people over which France ruled was excited by her tyranny; it ought to show us, also, how impotent were our efforts to check the power of France upon the continent: how impotent our friendship for the protection of our allies—how impotent our money and our subsidies against the gigantic power of France. If we had been told but a few years ago, or that it had been possible to foresee that the time was coming, when a vassal, a general, nay a favourite of France, would be introduced into the succession of Sweden, not a soul in the country but would have exclaimed, "The brave Swedes would rise to a man in opposition." Yet now we saw the French general actually in the country, publicly and solemnly recognized as crown prince, and with every prospect of an immediate succession to the throne. We might strain as we chose to save the hostile crown of Russia. The throne of our old ally, our attached friend, our subsidized Sweden, was lost for ever! Let ministers look to this event—it was an aweful and a striking lesson to us, though the Speech thought proper to abstain from noticing it. If the hon. gent., who, in his maiden speech, had seconded the Address with such ability, considered this, could he have hazarded the rash and ill-advised assertion, that we should not expect peace—not only until we diminished the resources of France, but until we had actually made her abate of her pretensions? If this sentiment was once adopted, good God, what a prospect had England before her! He might be told perhaps, as some were told last night who seemed to shudder at the financial misfortunes which hung over us, that his plebeian apprehensions at the diminution of our commerce ought to be repressed. But the right hon. gent. opposite knew well the dangers of our situation; he knew well how critical was the state of our revenues, and he must know also, amidst all his vaunts about our prosperity and our wealth, that if the present lavish expenditure in Spain and Portugal was continued, he, too, must begin to feel those degrading, plebeian apprehensions. Taking these things into his consideration, he confessed he had very little idea of pledging himself to any sanguine view as to the result of our expedition. So far from it, there was a certain point beyond which, in case nothing was achieved, he would never consent that our subsidies should be squandered or our resources exhausted. An experience of four years must have convinced the right hon. gent. opposite, that with a view to an endless war upon the present scale of expenditure, instead of being all powerful we were all feebleness. He was well aware of the resources of the country: they were great; and it was not his wish to undervalue them: but with the lavish profusion which had so long prevailed, he was convinced that great as they unquestionably were they must have some limit. It was upon this ground that though he did not think it desirable that the army should in this instance be recalled from Portugal, in as much as it had been sent thither at all, until it should become decidedly manifest that the object was altogether unattainable, yet, he would not pledge himself to agree to a perseverance in the contest under any unfavourable and unpromising circumstances.

He had also to remark upon another great leading topic, which had been totally omitted in the Speech, a topic of vital importance, and to which every attention ought to be turned—economy. It was the more imperative amidst the distresses of our mercantile interests; distresses which were the consequence of our system, and the result of a desperate but perhaps necessary augmentation of speculation; distresses, as we acted now, unavoidably occasioned by our internal system of commercial finance. These distresses might appear trifling or plebeian to some; but those must feel and complain of their effects who were suffering under them. Last night congratulations were offered to the House on the flourishing acquisition to our colonies. There was then, perhaps, little room for such congratulation; and, indeed, in his mind, this day's intelligence had brought us by far the most cheering topic for satisfaction on that subject. As to all our former conquests, they were comparatively of little interest, except, indeed, our momentary distress might be in some degree derived from the glut of colonial commodities in our markets. Unless this was the case, we had little grounds for congratulation; and cheerless, indeed, was the consolation supplied to us by the idea that our enemy participated in our calamities; little comfort could our bankrupt merchants feel from the reflection, that the French trade had also been impoverished and ruined. He had now given his sentiments briefly, as to the omissions and errors in the speech. He had done so, perfectly uninfluenced by the appeal which had been last night made to them for unanimity. Such an appeal, he regarded as all other similar appeals, and should give it similar attention. It appeared to him to say nothing more nor less, than simply this:—"You have been wrong; do not oppose in future what I choose to support; give up your opinion, and adopt mine." Now, as he had supposed that he was hitherto acting right—as he saw nothing whatever in which he was proved to be in error, nor felt any thing like a conviction that his antagonists were superior, he should at once say, that while the same system which he had before thought fit to condemn was continued, he should continue without reserve, relaxation or loss of time, the same systematic, undeviating opposition. He should now conclude; and very happy he felt that he had disburthened his mind, lest he should hereafter, as had often been the case before, be taunted with having given his concurrence to measures to which he felt a most decided repugnance.

The *Chancellor of the Exchequer* then rose and spoke to the following effect.—When I consider, Sir, what passed in this House last night, I own, I feel justified in not entertaining, on coming down this evening, the most distant expectation of any such discussion as that which has already taken place. Indeed, I think, that when the hon. gent. who has just sat down shall come to reflect on the opening part of his speech, he will be as much astonished as any of those who heard him, that he concluded it in the manner he has done. For the right hon. gent. (Mr. Ponsonby,) who seemed to speak the sentiments of the other side of the House, declared last night that when he considered who was at the head of the administration of the country, he should, if obliged at any time to find fault with any of the measures adopted during his administration, in doing so, feel the greatest possible pain and reluctance. When I recollect these circumstances, and when I recollect that the hon. gent. in his outset declared that he perfectly coincided in opinion with that right hon. gent., I own I was not a little astonished, when I heard the hon. gent., who declared his concurrence in this manner, conclude with saying, that he will lose no opportunity of declaring his systematic, undeviating opposition to the measures of the present administration. The hon. gent. has declared, that he was induced to express his opinion on the present occasion, lest I might at any future opportunity taunt him with the observation, that when such an Address was proposed, he appeared to acquiesce in its sentiments. I will say indeed, that however much the spirit and temper of the speech of the hon. gent. may please many of those who are of his way of thinking, it is in direct contradiction to the sentiments of the Address, and to the speech of the right hon. gent., with whom he professed to coincide.

Although there are many topics in the speech of the hon. gent. on which I entertain a very different opinion from him, I shall on the present occasion abstain from mentioning many of them, from a wish not to disturb the unanimity that is so desirable on the present occasion; but there are some of these topics which I feel myself under the necessity of adverting to, and which I shall notice with all possible brevity. The hon. gent. has distinctly professed, that the great object of his rising was, lest from his silence he should be considered as implicated in approving the measures which have been carried on in Spain and Portugal. Now, the Address does not call on any person for approbation of any one of the measures which ministers have thought fit to adopt in conducting the war in these countries; and no one can be precluded by his acquiescence in that Address from criticising at any after period, the whole or any part of the conduct of the campaign. There is in reality nothing like a pledge of approbation of any one measure that has been adopted. But when I say this much, and when I own I think it adviseable that on such an occasion as the present, nothing like a pledge should be contained in the Address, I will freely confess at the same time, that in my own mind all the measures which have been adopted in the Peninsula are highly deserving of approbation; and that when the time shall come for the discussion of this subject, it will be found that the skill and ability with which these measures have been conducted, are as conspicuous as the policy by which they were dictated. The hon. gent. has pointed out a number of particulars in the campaign in which he has been disappointed. I own I am not astonished, that when the hon. gent. has thought fit to collect opinions from others, and not from the commander there, of a nature rather too sanguine, he should be disappointed in the event; but I maintain that he could not have collected these opinions from the noble commander. For I think, if there is one thing more conspicuous than another in the character and practice of that noble lord, it is the singular modesty and simplicity of his official statements. Nothing of a vaunting or arrogant nature is to be found in his dispatches. If disappointment has been experienced in any case where that noble lord has been concerned, it is the disappointment of the enemy; but surely there can be no disappointment of the rational hopes that any other person was at liberty to entertain. At one time the hon. gent. towards the close of last session declared it as his wish that every English soldier was back safe in this country from the Peninsula. Does he, indeed now wish that the Peninsula should have been surrendered without the glory of the last campaign? Does he wish that after the instances which we have seen of French cruelty, French treachery, and French insincerity, Britons should have had no share in the late struggle? Does he wish that Britons should not have made a stand in the only corner where it was possible to make a stand against the common enemy of Europe? It is not, indeed, possible to predict what will be the issue of that contest; but on a dispassionate review of all the circumstances of the case, I own I see no cause that we have to despond. We have, however, maintained all that we proposed to maintain; we have maintained Portugal, and in so doing we have rendered the most material assistance to the cause of Spain.

The hon. gent. has, indeed told us that his want of confidence in the cause of Spain arises from the apathy he has observed in the Spaniards in not taking advantage of two occasions, as unlooked for as they were favourable, to make suitable efforts to drive the enemy from their country. Upon this I shall beg leave to say a few words. One of the occasions alluded to by the hon. gent. is that when Buonaparté having been called off to the war in Austria, Spain failed to make any great effort in her own cause—the other occasion is that of the occupation of the whole active disposeable force of France in the Peninsula by the Allied British and Portugese army, of which according to the charge of the hon. gent. no advantage was taken by Spain to call forth her energies and put down her oppressor. In making this last statement, the hon. gent. by his own direct admission acknowledges, that as the whole active force of the enemy was engaged by the Allied army, a most important diversion must consequently have been made in favour of the cause of Spain; by Great Britain. If England had left Portugal to be overrun by the enemy would the situation of Spain be now what it is? Whilst the hon. gent. has thought proper to state as the ground of his despair of the cause, what Spain has failed to do; he has omitted to state what she actually has done. It may be, indeed, that more might have been done by the Spaniards in the course of this struggle than what they have done; but let us do justice to so much as they have done; let us do justice to that nation which has done more than has been done by all the other nations of Europe since the commencement of the revolutionary war; to that nation which, though now for more than two years overrun by the armies of France, has never yet submitted to her foe, but is still as unconquerable in mind and spirit as ever. It is in these means and this determined spirit of opposition, that our hopes of that country are founded; it is by these means alone that an opposition to France can be maintained; and I trust that while she continues in that spirit, she will remain as invincible to France as ever.

Will the honourable gentleman but consider for a moment, what would have been the consequence to Great Britain, if the Peninsula had ere this been under complete subjection to France. Let him consider of what consequence Cadiz and Lisbon alone would have been to France, if in her possession. He who has always professed such fears for the removal of the battle to our own shores, will he only consider where, to such disadvantage, danger could be so seriously apprehended to this country and to Ireland, as from the ports of Cadiz and Lisbon. And though the Peninsula should ultimately be conquered, when he considers how completely it was under subjection to France before the present war, and the advantages which were drawn from it, he will find it will be less efficient to the conqueror, when it shall be finally subdued, than it was previous to this desolating contest. The hon. gent. has adverted to other topics: he says, that the observations respecting the revenue appear to him perfectly unintelligible; that it is said the revenue has fallen off in Ireland, and fallen off here, and yet is much more now than in any former year. I will tell the hon. gent, that the statement of the Speech is perfectly consistent. I will tell him that the whole revenue of this country, received into the exchequer, before the 5th of January, in this present year, 1811, for the preceding year, was greater than that of any former year—that there are between three and four millions of excess of difference between the last year and the year ending in January 1809, and that without the imposition of any new taxes last year. What do you mean then, says the hon. gent. by your revenue being affected by the disastrous state of the commerce of the country? I will tell him that particular branches of that commerce may have declined towards the latter end of the year, by which the revenue of that part of the year may have been affected; and yet it may be perfectly clear that upon the whole year there may be an abundant increase of revenue. It is true, and cannot be denied, that the enemy has made an impression on the commerce of this country; but this impression, whatever it may be, can be only considered as temporary; and when I take into consideration the skill, industry and capital of this nation, I have the best grounded expectations of our future prosperity, though the application in particular channels of that skill and industry may for a time be affected. I think I may venture to state, therefore, that the general increase of the revenue, which suffered some decrease however towards the latter end of the year, may be expected to continue; though nothing can be said prospectively on such a subject with confidence.

On the subject of America I wish to touch as little as possible. The hon. gent. is, I think, not warranted in saying that a spirit of conciliation which he now affects to hail, did not exist in his Majesty's councils towards that country till the present moment. There is no greater spirit of conciliation manifested now than formerly. The councils of the country were always perfectly conciliatory towards America, and every thing was done which could be done to obtain a renewal of a friendly intercourse with the United States, consistent with our own safety. And I believe that every thing will be done by the Regent in the way of conciliation; but while he is willing to concede every thing that ought to be conceded, he will at the same time keep sight of the preservation of those maritime rights for which this country has always contended. I do think indeed that those rights which have been so long claimed by Great Britain, should not, under the present circumstances of the world, be renounced by her at present. I do not impute to the hon. gent. that he would willingly be inclined to sacrifice any of the just rights of this country. No character could be gained by the nation which would not stand up in the defence of her rights, and no character could be gained by the individual who would advise and consent to their sacrifice.

I will now ask the hon. gent. and the House, if it would be proper that, situated as we are, any notice should be taken of the expectation of peace in the Address? With what propriety could it be stated that peace, at the present moment, was possible to be obtained? No men would be more ready than ministers, if any opportunity should occur when peace could with safety be made, to avail themselves of that opportunity; but they would merely mislead and deceive the country were they to hold out to them that any thing like such an opportunity had yet occurred. I think, indeed, that there are few individuals in the House who would be inclined to go along with an hon. baronet (sir T. Turton), who spoke in the course of the evening, in the sentiments he uttered on that subject. The hon. gent. says and makes it matter of charge that it has been declared in this House, that no peace can be obtained with the present Emperor of France, till he abate in his pretensions. It is but too true that till such an event no peace is to be obtained. What, says the hon. gent. and are you then determined to carry on an interminable war? If these professions be adhered to, what can follow but the inevitable ruin of Great Britain? What a prospect, continues the hon. gent.? If it be the real state of the prospect, however, why should that prospect be disguised to the country? The pretensions of the Ruler of France are nothing less than the ruin of this country; and till he abate from those pretensions, how can peace be obtained? And I will ask the hon. gent. with confidence, whether he sees any thing now in the conduct of that Ruler, which indicates that he has abandoned his hostile views, or that can lead us to believe that we may with safety accede to his demands.

Among the other points of the speech of the hon. gent. he expressed his astonishment that no notice was taken in the speech of the situation of this country with regard to Sweden. Nothing could be more natural than that ministers in the exercise of their discretion on that subject, should not think proper to advert to the situation of Sweden. When we reflect on what our former connection with Sweden was, and the manner in which that country was compelled to enter into subserviency to an enemy, it will, I think, be found, that forbearance with regard to that unhappy country is the principle on which we should act, so long as we can act on forbearing principles without danger to ourselves. The immediate adoption of retaliative measures could, circumstanced as we are, be of little use to England, and on deliberate consideration therefore it was not thought necessary to make the state of that country one of the topics of the Speech.

With respect to the omission so much complained of with regard to Ireland, though fully aware of the importance of the subject, I did not conceive it actually necessary to introduce into the speech of the Prince Regent on this occasion any particular mention of the affairs of Ireland. I know that representations have been made, for what purpose they can best tell who made them, that the affairs of the sister kingdom are in the most lamentable condition; my colleagues and myself have been accused this night of treating that important part of the empire with systematic neglect; of never referring to it except in language of a degrading, insulting and contemptuous nature. I put it to the candour of the House if this be a correct statement, or if it can believe that we are such fools and idiots as to treat such grave discussions with an unworthy contempt, much less with that derision and even laughter which has been imputed to us. However my own views of the policy which it would be prudent to adopt respecting that part of the united empire may differ from the opinions entertained by the hon. gent. (Mr. Hutchinson), and the difference is certainly great and obvious, no fair inference, I am confident, is deducible from that circumstance, that I have been at any time disposed to disregard or undervalue any topic connected with Irish affairs. When, however, the hon. gent. goes further, and avers that the Regent could not safely place confidence in the persons who now conduct the administration of the country, and that those persons neither possess nor merit the confidence of the country, then indeed I shall venture to ask, where could the Regent hope to find men who possessed it in a greater degree? I believe no man or set of men enjoy a greater portion of the esteem and confidence of the people, although the hon. gent. (Mr. Whitbread) appears by his laugh to think otherwise. I challenge that hon. gent. by any test or in any place, to controvert my assertions.—The right hon. gent. then, apologized for having so long trespassed on the attention of the House; which he said he had been induced to do by the introduction of the irrelevant matter which had been brought forward on the other side, and which it was impossible for him not to advert to.

Sir *John Newport* asserted that the right hon. gent. had misrepresented his hon. friend (Mr. Hutchinson). When his hon. friend had stated that the affairs of Ireland were treated by ministers with systematic neglect, it was a statement which he was fully warranted in making. A noble lord, who in his opinion had always had too much influence in the councils of Ireland, had not hesitated once to say that the less that was said about that country the better. To him it appeared that, as a component part of the empire, it was entitled to respectful attention, an attention proportioned to the extent of its territory and the amount of its resources. It had been stated to them by the right hon. gent. that the revenue of Ireland had been affected; were those terms, he would ask, descriptive of the fact? Did the language fairly represent that a defalcation of between two and three millions had taken place in the revenue, and that it was at the present period unequal to the ordinary exigencies? When he looked also to the other features in the situation of Ireland; when he saw her tranquillity menaced and the military force greatly reduced; when he knew too, that many persons who had a deep stake in the safety of that part of the kingdom, some of whom were in the constant habit of defending and supporting the right hon. gent. entertained the most serious apprehensions on the subject, he could not easily conceive a topic more deserving of the right hon. gent.'s gravity and attention. [Here the Chancellor of the Exchequer appeared to be engaged in conversation.] He was aware that he had no peculiar claim on his attention, and he had just afforded an additional proof of the carelessness of which he had been accused. He did therefore again assert that the regard paid to Ireland by our government was not sufficient to the weight and importance of so large a component part of the empire, and he sincerely believed that much of the mischief that had happened in Ireland, much of that embarrassment and calamity in which she was involved, was owing to the loose and negligent manner in which its business was conducted in that House, and regularly deferred till the close of the session. Anxious as he was to avoid touching on any topic calculated to arouse feelings of irritation, he must be permitted to put in his claim to be heard in parliament as an Irish representative, warmly interested in the welfare of his native country. At such a period as the present, threatened as we were by an enemy far more formidable than had ever hitherto waged hostility against us, it was the bounden duty of that House to attend to every complaint preferred from that quarter, to investigate every alleged grievance, and if they should prove delusive to dispel the delusion by a fair and impartial inquiry. Then instead of a drain and an incumbrance on Great Britain, as Ireland was rendered by the present system, we might proceed to husband her resources and to consolidate her strength, till the fortunate period should arrive when a firm and honourable peace might alleviate her burthens, and no longer retard the natural progress of her prosperity.

Mr. *Hutchinson* said he rose to express his hope, that words would not in future be put into his mouth which had never fallen from him, nor opinions imputed to him, which he had never expressed. He had not said, as the right hon. gent. (the Chancellor of the Exchequer) attributed to him, that the Prince Regent should look elsewhere for his ministers, or should confide the guidance of his councils to other men. What he had stated however, was in his judgment the most proper course for the House to pursue, was that they should represent to the Prince Regent their firm determination to support the just authority of the executive and at the same time to express their conviction of the incapacity of his present ministers. In reply to what the right hon. gent. had observed in defence of the respect and attention which he was in the habit of shewing to discussions on Irish affairs, he lamented that he should be under the necessity of repeating the accusation, and of distinctly charging the right hon. gent. with the most blameable and offensive levity.

The *Chancellor of the Exchequer* said, if he had misunderstood or misrepresented the observations of the hon. gent. he should be extremely ready to have his error corrected. He certainly was desirous of vindicating himself from the imputations of the honourable gentleman, who had very erroneously described him as laughing whenever mention was made of Irish affairs. With respect to the honourable gentleman's explanation of his meaning, in his first speech, he must confess he could not very easily see how a declaration of the incapacity of the Regent's ministers could be separated from the expression of a wish that they should be dismissed from the Regent's service. The honourable baronet had likewise charged him with inattention to what he had been saying with respect to the military force in Ireland; but if the honourable baronet would adopt the statements in the Morning Chronicle, he had hardly a right to expect a refutation of them in that House. He could, however, assure him, that no reinforcements had recently been drawn from Ireland, and that the amount of military force now in that country was probably greater than it had been at any period which the honourable baronet could mention.

Sir *John Newport* said, that he had not adopted, in what he had observed, the statements of the Morning Chronicle, neither had he adopted the statements of the Morning Post. Deprived as he was of the channels of official communication, his knowledge was of course derived from such sources as were open generally, and from such correspondence as he maintained with persons in Ireland, which fully enabled him to state that many gentlemen of rank and property, and some of them the political friends of the minister, had been under the most serious alarm in consequence of the reduction of the military force in that part of the empire. He believed that large drafts had been made, but that the projected reinforcements had been countermanded.

Mr. *Ponsonby* rose only to notice one point in the speech of the right hon. gent. and it was that, in which he had inferred from his observations on the former night that his honourable friend (Mr. Whitbread) had contradicted himself, in first professing to concur with him, and in following that declaration with his subsequent remarks. Now, he wished to be distinctly understood as having certainly disclaimed any wish or intention of making a systematic opposition to the Regent's government, because though he should be sorry at any time to harrass or impede the administration of the country, he should be particularly so when he reflected on the novelty as well as the difficulties of the Regent's situation. But these considerations were not to preclude him from the discharge of his duty, if he should find occasion for it, in opposing and condemning the measures of his ministers. High as was his veneration for his royal highness, both for his private virtues and his constitutional sentiments, so congenial to those principles which had seated the House of Hanover on the throne of these kingdoms, this veneration would but operate injuriously if it prevented him from steadily resisting the unwise and dangerous policy of those who conducted the administration.

Mr. *Whitbread* said, he should take the opportunity before the report was read of alluding to what had fallen from an hon. gent. on the subject of the foreigner confined in Cold Bath Fields. He could not help feeling much surprised that an enquiry which might have been made in five minutes, had not been made in the twenty four hours, that had elapsed since the honourable baronet behind him had first mentioned the subject to the House.

The *Chancellor of the Exchequer* thought the hon. gent. behind him had acted prudently in not making a partial or defective statement, but in reserving himself till all the circumstances of the case were ascertained.

Mr. *Whitbread* said, that it was the necessity of this long and minute enquiry of which he complained. Was there no record kept of such a transaction in the office of the home department? Or was the right hon. gent. to be permitted to shelter the under secretary of state when unable to furnish satisfactory information?

Mr. *Yorke* observed, that the hon. bart. (sir F. Burdett) had confessed his own representation to be inaccurate. He had, however, inasmuch as the matter lay in some degree in his department, written to the officer who had brought home the foreigner, but who was at Yarmouth, and from whom he had not of course yet heard. He had learned, however, that the person in question had been apprehended as a spy, and conducted hither from Heligoland by a warrant from lord Liverpool, who was not now in the home department. He did not, however, consider this to be a proper time for enlarging upon this subject.

Mr. *Whitbread* was pleased to receive at least some information from the right hon. gent. but could not see, that because the head of an office was changed, the business of the office was to stop. He thought it highly creditable to the humanity of the hon. bart. to have brought this subject forward; it was one in which he had no doubt the laws of the country had been wantonly violated, and the freedom of a human being causelessly impaired.

Mr. *Madocks* said, it appeared from what had passed this evening, that there was a great deal of truth in what had fallen from the hon. bart. (sir F. Burdett). He hoped, however, that the subject would not be allowed to pass without investigation, and was satisfied, as the House must be, that the hon. bart. was entitled to thanks for the pains he had taken on the occasion.

The Report was then brought up and agreed to, and the Address was ordered to be presented to the Prince Regent by those who were of the privy council.

HOUSE OF COMMONS.

Thursday, February 14.

[The Prince Regent's Answer to the Address.] Lord George Thynne reported to the House, that his royal highness the Prince Regent, having been attended with their Address of yesterday, was pleased to receive the same very graciously, and to give the following Answer:

"Gentlemen;

"I thank you for this loyal and affectionate Address. I am highly gratified by those sentiments of sorrow and affliction which you so feelingly express for the lamented situation of the King, and I receive with the greatest satisfaction, the promise of that support which can alone encourage me to hope, that I may be enabled to discharge with satisfaction to myself and advantage to the nation, the duties of the important trust which is reposed in me."

[Motion for Accounts relating to Bank Notes, Bullion, &c.] Mr. *Horner* moved for the following Accounts, which were ordered accordingly:

1. An Account of the amount of the Notes of the Governor and Company of the Bank of England, in circulation on the 7th and 12th days of each month, from the 12th of January 1810 to the 12th of February 1811, distinguishing the Bank Post Bills, and distinguishing the amount of Notes under the value of five pounds.

2. An Account of the weekly amount of Bank Notes in circulation, from the 9th of March 1810 to the date of the return to this order, distinguishing the Bank Post Bills, and the amount of Notes under the value of five pounds.

3. An Account of the amount of Bank Notes in circulation on Saturday night, from the 12th of May 1810 to the date of the return to this order, distinguishing the Bank Post Bills, and the amount of Notes under the value of five pounds.

4. An Account of all the Dollars issued by the Bank of England, from the 8th of Feb. 1810 to the date of the return to this order.

5. An Account of the amount in ounces of sales of Silver pieces of eight, and Silver ingots, made by the governor and company of the Bank of England, from the 1st of March 1810 to the date of the return to this order.

6. An Account of Advances made by the Bank of England to government on land and malt, Exchequer Bills, and other securities, on the 5th of January 1811.

7. An Account of the amount of Gold and Silver deposited in the Bullion Office of the Bank of England as having been imported from abroad, from the 30th of March 1810 to the date of the return to this Order, distinguishing the Post Office packets from men of war.

8. An Account of the amount of monthly sales of Gold and Silver, by private dealers, in the Bullion Office of the Bank of England, from the 1st of April 1810 to the date of the return to this order, distinguishing Gold from Silver, and Bars from Coin.

9. An Account of the amount of Gold which has been delivered out from the Bullion Office of the Bank of England, as sales and purchases, by private dealers, from the 18th of April 1810 to the date of the return to this order, distinguishing Bar Gold from Foreign Coin, and specifying how much Bar Gold has been delivered out as for exportation.

10. An Account of the quantity of Gold and Silver exported as merchandize, or otherwise, from the different ports of Great Britain to foreign ports, in the year ending the 1st of February 1811, distinguishing Gold and Silver, distinguishing Bullion, Wrought Plate, and Coin, and distinguishing the ports and places from and to which the said exportations were made.

11. An Account of the quantity of Bullion or Coin which has been seized in the year ending the 1st of Feb. 1811.

12. An Account of the number of Licences for the issue of Promissory Notes payable on demand, which were granted by the Commissioners, for the two years ending the 10th of Oct. 1809 and the 10th of Oct. 1810, and since the 10th of Oct. 1810 to the date of the return to this order; distinguishing in each period the renewed licences from those granted to new Banks.

13. An Account of the number of Stamps of Promissory Notes re-issuable of each class that have been issued from 1st June 1810 to the latest period to which the same can be made up; distinguishing each quarter, and the corresponding amount of Duties.

14. An Account of the number of re-issuable Promissory Notes stamped in England, during the years ending the 10th of October 1807, 1808, 1809, and 1810; distinguishing the rates, and also the value, of the notes.

15. An Account of the quantity of Coin or Bullion imported in his Majesty's Packets, in the year ending the 5th of January 1811, distinguishing from what places the importations were made.

16. An Account of all Gold imported into his Majesty's Mint, and the amount of Gold Monies coined, from the 1st of March 1810, distinguishing the ingots as produced from guineas or from foreign Gold.

17. An Account of the Amount of Bank Notes lying in the Exchequer, in each month, from the 10th of February 1810 to the date of the return to this order.

18. An Account of all Monies which have been sent from this country by the Paymasters of the forces, for the use of his Majesty's armies abroad, or for the succour of his Majesty's Allies, from the 8th of November 1809 to the date of the return to this order; distinguishing Gold from Silver, Bullion from Coin, and the places to which the said Monies were sent respectively; and distinguishing the amount purchased by the Paymasters from that which they received otherwise than by purchase.

Sir J. Sinclair wished to know at what time it was in the contemplation of the hon. member to make his motion upon the subject, as it was one which excited considerable interest, and was of great importance to the country.

Mr. Horner said, it was his intention at a very early period to give notice of the day when he would bring it forward.

The Chancellor of the Exchequer moved, that the Speech of the Lords Commissioners should be taken into further consideration; when the Speaker having read that paragraph of the Speech which related to the supplies, the Chancellor of the Exchequer moved, That a supply should be granted; which being agreed to, he next moved, That the House should resolve itself into a Committee to-morrow, for the purpose of considering that motion.

HOUSE OF LORDS.

Friday, February 15.

[Informations ex officio for Libel.] Lord *Holland* gave notice, that in the course of the session he should make a motion for the number and nature of the Informations *ex officio* filed in the court of King's-bench for Libel. His lordship observed that he had on a former occasion unsuccessfully opposed a bill, which since it had passed into an act of parliament had given to Informations *ex officio* a consequence they did not before possess, and he now gave this general notice, in order that he might not be charged on a future occasion with taking the House by surprise, intending, according to the nature of the information upon this subject, which should be obtained, either to found upon it some specific motion, or a motion for the repeal of the act.

HOUSE OF COMMONS.

Friday, February 15.

[Motion for Accounts relating to Bank Notes, Bullion, &c.] Mr. *Rose* expressed his satisfaction to learn, from what had fallen from an hon. and learned gent. yesterday, that it was his intention to bring the Report of the Bullion Committee under the consideration of the House. The public was much interested in the question, and he was sure it would not fail to prove satisfactory to the nation that it should undergo a discussion in that House. He should, with a view to that discussion, move for certain returns in addition to those ordered yesterday, to the production of which he did not suppose any opposition would be made. He should thereupon move for the following accounts:

1. An Account of the Gold imported into his Majesty's Mint, and the amount of Gold monies coined there between 1st Jan. 1773 and 31st Dec. 1798, both inclusive; distinguishing as far as possible, the ingots received from guineas in each year from those from foreign Gold, with the value of each.

2. An Account of the Notes of the Bank of England in circulation, on the 1st days of January and of July, in the years 1761, 1762, and 1763, 1783, and 1784, and on the same days in every year from 1790 to 1810, inclusive.

3. An Account of the amount of the Bank Notes in circulation in each week, from the 9th of March 1809.

4. An Account of the highest amount of Bank Notes locked up in the Exchequer in each year, from 1803 to the present time.

5. An Account of the highest prices paid by the Bank for Bullion in each year, from 1773 to 1809, both inclusive.

6. An Account of the amount of the Notes and Post Bills of the Bank of Ireland in circulation in the months of January and June, from 1804 to 1810, both inclusive.

7. An Account of the value of Corn and other grain and flour imported into Great Britain, except from Ireland, from 1800 to 1810, both inclusive.

8. An Account of the official value of exports from, and of imports into, Great Britain, for 1790, and in every year since to 1809 inclusive.

9. An Account of the highest and lowest prices of silver in each year, from 1790 to the present time.

10. Copies of any letters that were written from the Secretaries of the Treasury to the Commissioners of the Customs in 1782 and 1783, communicating directions from the Lords Commissioners of the Treasury for enforcing the laws against the exportation of coin.

Mr. *Horner* also moved for, A Copy of the communications between the Bank of England and the Lords of the Treasury, and of a Letter written by the Secretary of the Treasury to the Attorney and Solicitor General, and of the opinions of the Attorney and Solicitor General submitted to the Treasury in 1772, respecting the execution of the laws which prohibit the exportation of Gold and Silver.

[Committee of Supply.] The *Chancellor of the Exchequer* moved the order of the day for going into a Committee of supply.

Mr. *Creevey* rose to take that opportunity of calling the attention of the House to what he considered an intolerable grievance in the manner in which grants of public money and money bills were carried through that House. They all knew that grants of public money and redress of grievances formerly went on together.

Of late, however, they had got into the habit of voting grants of money and proceeding with money-bills at late hours, and when the House was exhausted with debates, and no discussion could take place. This he allowed was inseparable from the practice of discussing great public questions, which occupied so much of the time of the House during every session. But to whom was it attributable but to the minister, who usually condensed public business within so short a period, that it was impossible to bestow the necessary attention upon every important question? Since the union with Ireland, which added so much to the business of that House, they had much shorter sessions of parliament than previously. The minister, by clothing his grants of public money in ambiguous terms, could contrive to get them voted without objection, and could reserve his desperate cases to the close of the session, when it would be too late to make any effectual opposition to them. In illustration of this observation, he need only refer to what had happened last session. The bill for granting a million and a half to the East India Company, and for the interest of which fresh taxes must be laid upon the people, passed through no one of its stages previous to the last, before one o'clock in the morning. In one of its stages there were no less than seven notices to precede it, and it was one of fifty orders of the day. The House must see, therefore, that under such circumstances it was impossible it could have been maturely or fully discussed. The last stage took place at an hour earlier than that at which public business commenced usually. He had intended to oppose it; but on coming down to the House at half past four, he was astonished to find that the bill had passed. He had particularly noticed the members who attended on that occasion, and could take upon him to assert, that they were either Directors of the India Company or their servants, or Directors of the Bank or persons in office; and that there were not six members of any other description then present. It was an intolerable grievance, he must contend, that they should thus choose their own time, and consult their own convenience in bringing forward public business, without giving to members of that House an opportunity of delivering their sentiments. He considered it also a great grievance, that the miscellaneous grants were not more distinctly submitted to the notice of the House, so that members might come prepared for the discussion of them. Of this the grant of 6,000*l.* to lords Glenbervie and Auckland last session was a proof. No mention of the names was made in the notice of the vote; and the grant itself was not brought forward till the last Committee of Supply, and when the Appropriation Act was far advanced in its progress. The demand for those two noble lords was of seven years standing, and had been preferred to the government of the day, and that which succeeded it, and was refused by both. This accounted for its having been deferred to the end of the session. The act of appropriation, too, was generally hurried through without sufficient deliberation. As it contained all the grants of the session, it should certainly be more fully discussed. He had, last session, complained that the emoluments of the great Tellers of the Exchequer, lords Camden and Buckinghamshire, should be augmented by fees out of the taxes; but was then told, he was too late. He trusted, however, that in the appropriation act of the present session, provision would be made, that these Tellers, if they had a freehold in their offices, should not derive in future, any increase of emolument from fees upon public grants. He besought the House to consider the extent of power possessed by ministers in consequence of the Appropriation Act. Though that House had voted Mr. Palmer's claims to be just last session, the Chancellor of the Exchequer, by leaving the grant out of the Appropriation Act at the end of the session, actually defeated the intentions of that House. The manner in which the grant to lords Glenbervie and Auckland had been carried, shewed also how the minister, if disposed to favour individuals, could accomplish that object, as well as in other cases he could frustrate the views of Parliament by means of this Appropriation Act. It appeared, therefore, to him desirable, that the matter should be referred to a select committee, to consider of framing some standing order, whereby members on looking over the Order-book might be able to ascertain what particular grants or money bills were to be brought under the consideration of the House. It would otherwise be impossible to give the proper attention to such subjects. He had felt it necessary to say thus much upon this occasion and indeed the right hon. the Chancellor of the Exchequer, had admitted the propriety of some regulation on this head, and even intimated an intention to propose some arrangement on the subject in the present session.

The *Chancellor of the Exchequer* could not collect from the speech of the hon. gent. whether he meant by it to give notice of some motion during the present session, or whether, having unfortunately neglected last session till it was too late to oppose the appropriation act, he was determined to take care that he should not fall into a similar omission in the present session. If he were to consider the speech of the hon. gent. only as a notice, he should not, perhaps, have felt it necessary to comment upon it; but when he reflected upon the angry tone with which he had imputed it as matter of blame to the present government particularly, that ministers had the option of bringing forward public business at the time most convenient for them, he could not forbear making a few observations upon it. The circumstances to which the hon. gent. had referred, proved that the case was in direct contradiction to his statement. Every hon. gent. must know, that it was not in the power of ministers to put off the discussion of public business to a late hour, when there could be no opportunity of mature deliberation, but in the power of those gentlemen, who, having given notices of motions, had by the usage of parliament the precedence of the orders of the day. That was the true representation of the case, and it was owing to that cause that the different stages of the Bill to which the hon. member had alluded, were proceeded in at the late hour he stated. He concurred with the hon. gent. as to the inconvenience resulting from this cause, and had it in contemplation to propose to the House an arrangement, which would give on certain days of the week a precedence to orders of the day, and leave on the other days of the week, precedence, as usual, to notices. He had intimated as much last session, and as he did not think there would be much difficulty in forming some such arrangement, he should take an early opportunity of proposing it. Having stated thus much on that point, he should shortly advert to some of the topics mentioned by the hon. gent. The hon. gent. complained that the miscellaneous grants were not more distinctly specified, so as to enable the members of that House to come prepared to the discussion of them: and the hon. gent. particularly selected the grant to lords Glenbervie and Auckland, which, from the manner in which he spoke of it, the hon. gent. seemed to intimate as an instance of concealed favouritism towards the objects of the grant. But he must remind that hon. gent. that when an objection was started to that particular grant, on the ground that further time was necessary, the discussion of it was immediately deferred. Numberless cases of a similar description might be quoted; and every hon. gent. at all acquainted with the mode of proceeding in that House, must be aware, that according to the constant practice, whenever any objection happened to be made to any particular grant in the Miscellaneous Services, that grant was uniformly deferred, unless in cases where the service happened to be urgent, and any delay would be injurious. It often was the case, that some part only of the grant was voted, in order to allow time for ascertaining the propriety of voting the whole: so that the complaint of the hon. gent. against the government, or rather against that House, was unfounded in fact. The grants, when voted in Committee, were necessarily reported afterwards, when they might again be discussed: so that so far from not being distinctly notified, ample opportunity of discussing them was afforded. Besides, they might be again discussed in the Committee on the appropriation act, and afterwards upon the report of that Bill. It was not fair, then, to the House for the hon. gent. to state, that there was not sufficient time or notice for the discussion of the grants, when they might all be fully canvassed in four or five different stages. As to the imputation of favouritism, secret favouritism, he had only to observe, that one of the noble lords was not a member of parliament at the time of the grant, and could, therefore, not be expected, to requite the favour in the manner insinuated by the hon. gent.; and if his object had been to practise favouritism towards the other noble individual (lord Auckland,) there was nothing in the subsequent conduct of that individual, to shew that he had gained any thing by the transaction. He knew not by what governments the grant had been refused, but he knew that the government which preceded the present had resolved to accede to the grant (No, no, no, from the Opposition): so at least it had been represented to him. He had stated the same thing last session, without being contradicted. The lateness of bringing forward the grant arose from the circumstance of the commission having only then terminated. If he had not thought the grant right, he should not have proposed it to the House, even though the late administration might have determined on conceding it. He knew of no political connection between himself or his friends, and either lord Auckland or lord Glenbervie, that could make them objects of favouritism. As to the case of Mr. Palmer's demand, he had only done what the hon. gent. himself, or any other hon. member had the power of doing. He thought the demand ought not to have been granted, and therefore had moved that it should be left out of the appropriation act. The right hon. gent. concluded by giving notice, that he should early in next week propose the arrangement of which he had spoken; and which would, he was persuaded, be a benefit to all classes of members in that House.

Lord *Folkestone* contended, that it was perfectly competent to any member, on the question then before the House, to state, as his hon. friend had done, any grievances of which he had to complain. The right hon. gent. had said, that he could not understand whether in the speech of his hon. friend, he meant to give notice of a motion, or to intimate what his conduct would be in the present session, respecting the Miscellaneous Grants and the Appropriation Act. Upon this point, however, his hon. friend had been most particularly guarded. As to the charge of having expressed himself in an angry tone, he left it to those who had heard both to decide, which of the two, the right hon. gent. or his hon. friend, was more liable to it. With respect to public business, so much of it was crowded together towards the end of the session, that it was impossible for any one to know what time any particular measure would be discussed. He, in common with several other members, had felt the inconvenience which necessarily resulted from this cause. The Bill to which his hon. friend had alluded, had been passed an hour and an half before the usual time of proceeding with public business. The statement of his hon. friend was, he contended, borne out by that of the right hon. gent. He believed that the right hon. gent. was taken by surprise, as much as he had taken the House by surprise, with respect to the grant to lords Glenbervie and Auckland. If the right hon. gent. had taken the trouble to make inquiry upon the subject, he would have found, that the preceding administration had taken this grant into consideration, and then rejected it. As to what the right hon. gent. had said with respect to his conduct in leaving the grant of Mr. Palmer's demand out of the Appropriation Act, that he had done then only what any hon. member might have done, he should just ask, whether any gentleman who should think it fit to exercise his right in such a way could be sure that he would succeed? Every person who attended to the manner in which the business was conducted in that House, must well know that it was actually impossible to give the proper portion of attention to all the important measures brought under its consideration. The statement of his hon. friend, therefore, was highly valuable; not as against the present minister particularly, but in reference to the conduct of all descriptions of ministers. The right hon. gent. had undoubtedly intimated his intention to propose some arrangement, with a view to remedy the evil; and when his proposition should be brought forward, the noble lord trusted it would meet every attention from the House.

Mr. *Whitbread* concurred in the statement of his hon. friend behind him (Mr. Creevey), which was well worth the attention of the House. He rose, however, not for the purpose of adding to that statement, but in order to put the House upon its guard against any unnecessary innovation, as to its established forms and rules of debate. They should take good care, that in endeavouring to remedy one evil, they did not fall into one more serious. He was ready, in justice to the right hon. the Chancellor of the Exchequer, to admit, that he had last session intimated his intention to propose some arrangement of the description he had stated that night, of giving to the Orders of the day, on certain days of the week, precedence of notices. The House should well weigh the probable or possible consequences of such an arrangement, before they gave it their sanction. He was not inclined to charge members of parliament of the present day with being more corrupt, more negligent of their duty, more indolent and languid, than members of former parliaments. They should, however, cautiously adopt any arrangement or innovation which might have the effect of dissolving the House. The precedence which notices hitherto had been suffered to possess, gave an interest to the business of the House, which was sure to procure an adequate attendance. If that interest were to be taken away, they could not be perfectly sure that the routine business of parliament, however important, would insure a proper attendance. The precedence of notices arose out of the right of members to make any motion upon the sudden; which right, when members consented to wave, they were compensated for by the precedence of notices. According to the practice of parliament of late, a great part of the most important business was huddled together towards the close of the session. If there had been no union at all with Ireland, the public and private business to be attended to by parliament had been doubled. The duties of parliament ought to be more laborious than at present, if they were to be well performed. And here it was that the blame was altogether imputable to ministers, who put off parliament whilst they had a shilling in the exchequer; and who never thought of assembling it, until they could no longer go on without money. In the language of the times, they put off the evil day as long as they could. He could well remember, when, before the union with Ireland, if parliament was not assembled before Christmas, gentlemen were apt to complain. Of late years, it had been the practice not to assemble parliament till after the queen's birth-day. There had been, indeed, a few exceptions. Had it not been for the indisposition of the king, no man, he was convinced, could suppose that parliament would have been convened at the period it met before the end of last year. If the business of parliament had so considerably increased, the duration of the session ought to be proportionably lengthened. He had himself experienced, what had also been felt by other hon. members, an indisposition, on the part of the House—disgusted, no doubt, and exhausted by previous debates —to afford an attentive hearing on the most important business, so huddled together at the end of the session. If the House met now later than formerly, they should sit longer. There was no necessity for the ministers to advise his Majesty to prorogue parliament by any particular day. He should add, that insufficient attention was paid to Irish subjects, insomuch that it was almost impossible for any hon. member to obtain a hearing when offering to speak upon them. He should most strongly protest against any innovation, that would give precedence to Orders of the day before Notices.

Mr. *Wynn* said, that this charge had not been made against any particular administration; but that the general complaint was, that business of the first consequence was deferred to the last moment, at which time it must of necessity pass, even though it should be without discussion.

The House then resolved itself into the Committee of Supply. On the motion of the Chancellor of the Exchequer, a supply was granted, and the report was ordered to be received to-morrow.

HOUSE OF LORDS.

Monday, February 18.

[Catholics of Ireland.] The Earl of *Moira* rose, and said, that a matter of such great public importance and magnitude had just occurred, attended with circumstances so peculiar, that he felt he could not reconcile his conduct with any sense of duty to their lordships or the public, if he abstained from taking notice of it, and offering some observations upon the subject, with the view of obtaining some particular information upon it from the ministers of the Prince Regent. What he alluded to, and to which he desired to call their lordships most earnest attention, intimately concerned the interests and welfare of Ireland. It must surely have been with the strongest emotions of surprise that noble lords must have seen and read the Circular Letter of Mr. Wellesley Pole, chief secretary to the government of Ireland, by which the magistracy are directed to put in force an act passed by the Irish parliament in the year 1793, (the 33rd of the King,) prohibiting public meetings being held in that country for any political objects. The act was passed in a time of public ferment, and was now to be enforced at a period when it was known that a meeting of persons of that vast body, the catholics of that country, was about to be held. By the provisions of that act, which were recited in the letter of the Secretary, all persons guilty of giving or publishing any kind of notice, written or unwritten of any proceedings with a view of promoting such meetings, and all who in anywise attended, acted, or voted, in any such proceedings, were directed to be arrested and sent to prison, unless bail should be given. But not only those who should give or attend, but also all such as had given such notices, or had in any manner attended, or acted in such meetings, were rendered equally the objects of this act, as was also expressed in the circular letter. By this sweeping clause, the noble earl believed they might in fact proceed to these grievous and intolerable extremities against not less than one half the people of Ireland. Standing as this extraordinary transaction did at present and according to the view he took of it, he could not but feel the greatest anxiety. Every body who mixed in any good company had, for the last two days, been a witness of the general feeling of astonishment which it had created. It was impossible to move about without hearing it canvassed as the general topic of conversation. The sudden recent return of Mr. Secretary Pole to that country had created much surprise, and occasioned a great variety of suggestions as to the probable cause of it. From this important measure, however, adopted on his arrival there so speedily, it might certainly be inferred that this violent measure had been determined upon here by the government of this country, and that the unexpected departure of the Secretary had taken place in consequence, for the purpose of carrying it into effect. In that case as in every other view of the matter, he supposed that ministers must have received some very important information to justify their having recourse to such a measure, and which, he should suppose, they would be prepared to communicate to the House. It was difficult to conceive any possible measure more impolitic or more irritating to the feelings of three-fourths of the population of Ireland. He was certain that the previous sanction of the Prince Regent had not been obtained to this measure—and he should therefore give ministers their choice of one out of two branches of an alternative, either of which must tend most strongly to the condemnation of their conduct: either at the time of the departure of Mr. Secretary Pole for Ireland, they were certain of being continued in office by the Prince Regent, or they were not. If they were certain of being continued in office, they acted most unfitly and improperly (to use no stronger terms,) in taking advantage of the period before the Regent was sworn in, to resort to such a proceeding without having the decency to consult his royal highness upon a measure which so deeply implicated the character of his government. If they were not certain of being continued in office, and expected that they should not be allowed to remain the ministers of the Regent, then he could only compare their conduct to that of desperate incendiaries, who set fire to the house they were about to leave, because they were no longer to be allowed to inhabit it.

In the absence of information however, upon the subject, it was difficult to understand what had led to the adoption of a measure which under the peculiar circumstances of the moment was so extremely impolitic. The circular letter to the magistrates referred to the Convention Act, but from any thing that appeared in it, they were left to conclude, that it merely related to a simple contravention of the letter of that act. If the measures of government were to be directed only to point out and designate for prevention what was contrary to the letter of an act of parliament, then Cabinets might as well be composed of sets of Old Bailey solicitors. It was surely to act very little like able or enlightened statesmen to rummage the rolls of an obsolete and long inoperative law in order to find out and prohibit what was contrary to its letter, instead of studying the temper and disposition of a whole people, as well in order to avoid all measures likely only to irritate and inflame, as to adopt such a line of policy and conduct, as would be most likely to conciliate and attach the affections of that people. In resorting to this measure the Irish government had gone back to the enactments of a law passed in a period of irritation, and long before the accomplishment of that Union, which was held out to the people of that country as the best means of relieving them from what was obnoxious and oppressive in the measures of their own parliament. The offences created by this law might, he admitted, be designated crimes by virtue of this law; those who infringed it might be legally criminal: but was it not well known, that since the passing of the Union, such assemblies as were now forbidden had been repeatedly tolerated, and that petitions from them had even been received by both Houses of Parliament. It was no small part of the impolicy of this measure that the catholics were particularly designated as a class at whom the orders issued by government were particularly pointed. If such a measure had even become absolutely necessary, ought not obvious policy and common sense to have dictated to them to have refrained from mentioning the catholics as being particularly designated? might not the letter or the order have been so framed as to have had all the effect desired, without wounding the feelings and irritating the minds of the catholics?—Another branch of the extraordinary impolicy of this measure was the retrospective effect given to the measure. Was it not enough, even in the view of those who issued this letter, to declare their determination for the future, without involving in one common threat of punishment acts done for years back, and which had the tacit sanction and permission of government?—if these orders were to be carried into effect according to the retrospective operation thus given to them, one half of the population of Ireland would probably be to be thrown into gaol. To resort to such a measure, under the peculiar circumstances of the moment, and thus to irritate and inflame three-fourths of the population of Ireland, displayed the most extraordinary impolicy. And it would well become their lordships to reflect, at what a time, too, this obnoxious measure was taken; a time when we were most seriously called upon to look, not only at the great domestic inconveniences and difficulties that attended the present state of the government of the country; but when we had so much to consider and to apprehend in our external relations; when not only at home, but from abroad, we were urged to the important consideration of the best means of meeting and averting menaced dangers. While we were acting upon this mischievous impolicy, what was our enemy doing? What had he not on the contrary within a short space of time already done? To all his great successes and acquisitions on the continent of Europe, he had added another acquisition, by placing a French sovereign on the throne of Sweden. He was increasing incalculably all his means for attacking us in the midst of our resources, while we were talking of clipping his wings by the acquisition of a few distant colonies and by destroying his foreign commerce, of the possession of which for his great military views of aggrandizement he did not positively stand in need. He was placing his advanced posts in the very front of our defences; and was preparing to have the contest no longer an affair of out-posts, but to make his direct assault on the very body of our citadel. Was this a time for the adoption of a measure against one half of the people of Ireland: a measure certainly most obnoxious to a much larger proportion of them? Ministers might, perhaps, be able to shew some causes for this extraordinary and alarming proceeding; and he therefore wished to give them the opportunity of doing so: but at present it came before him in a most questionable shape, and he, therefore, was anxious to receive a distinct answer to the questions he had put to them, as well as to acquire the necessary information on which they had ventured thus to proceed. His lordship had no wish unnecessarily to trespass on the time of the House, and should, therefore, sit down for the present, after moving that a copy of the Circular Letter of Mr. Secretary W. W. Pole, dated Dublin Castle, Feb. 11, 1811, be laid on the table.

The Earl of *Liverpool* said, he should not make any objection to the production of the letter of Mr. Secretary Pole, which as their lordships knew, had already been made public. It was also a matter of satisfaction to him to state, that he felt not the least difficulty in giving an answer to the questions which had been put to him by the noble earl. Respecting the departure of Mr. Secretary Pole, he had only to state, that his going to Ireland was wholly unconnected with this measure, which was not at all in the contemplation of ministers at the time he went there; nor, indeed, was it at any time afterwards: for the fact was, that they did not know any thing of the matter until Thursday last. Then they received the intelligence, which was accompanied with those reasons, which were the grounds of the proceeding, which might not have been quite so fully detailed as might have been wished; but which did, notwithstanding, convey intelligence founded on various sources of information, some of them of a secret nature, shewing that a systematic attempt was making for the violation of the law: and which the government of Ireland felt to be of such a nature as to justify it fully in resorting to this means of prevention. If the noble earl was desirous of getting farther information as to the nature and extent of the intelligence received, that would be the proper subject of a discussion, should he, on any other occasion, move for a Secret Committee for the purpose of an examination into the subject. At present he could not see any necessity for saying more. He should, however, couple another motion with that of the noble earl, which, if agreed to, would shed some light on the transaction. His lordship should therefore move for a copy of the Letter issued and circulated by the Secretary of the Roman Catholic Committee at Dublin.

The Marquis of *Lansdowne* had heard with much satisfaction that the measure in question had not originated in this country, and still more so, that it did not emanate from the Prince Regent. He had only farther to ask therefore whether the single document which the noble earl moved for, would completely, in the noble earl's apprehension, make out the actual existence of any systematic attempt to violate the law. He must suppose that the noble earl would feel the propriety of agreeing to lay still farther information on the table, should that document prove insufficient to justify the step which had been taken.

The Earl of *Liverpool* had no difficulty in stating, that the paper he had adverted to did not contain the whole of the information possessed by his Majesty's government; but it would, in his apprehension, be a question of serious consideration, whether the production of further documents would at present be desirable. Their lordships must be aware that a great deal of the information which government might possess, would, considering the channels from which it might have been derived, not be proper for public exposure. There might be other ways of communicating information of that kind; as through a Secret Committee. It was sufficient, he thought, at present to state, that such facts had recently come so fully to the knowledge of the Irish government, as, in its judgment, proved a systematic and deliberative intention to violate the provisions of a most important act of parliament.

The Earl of *Darnley* considered the very ignorance of the extraordinary order of Mr. Secretary Pole avowed by the noble secretary, a most full and decided crimination of the government to which he belonged. It had long been a subject of lamentation with him, to find the affairs of Ireland not only ill understood by that House, but almost refused investigation both by the ministers and the parliament. The time was now arrived when those concerns imperiously forced themselves on the attention of parliament; and he sincerely trusted that such an important subject as that to which the motion referred, would receive the full inquiry that it merited. The noble earl concluded with giving a notice of a motion for the production of some Accounts relating to the expenditure and the admitted defalcation of the revenue of Ireland.

The Earl of *Limerick* rose, chiefly, he observed, in consequence of his understanding the noble earl, who opened the discussion, to say, that one of the objects of the union was to free Ireland from the oppressions of its own parliament. For his own part he had sat long in that parliament, and as the noble earl had not thought proper to state upon what grounds or circumstances he formed such an opinion, but merely made the assertion, he must content himself with expressing his astonishment at what he had heard. He could not avoid, however, calling to the recollection of the noble earl that that parliament had stood manfully at its post: and by its spirit, perseverance, and exertions, saved that country from all the horrors of rebellion. It had to grapple with a crisis of unprecedented danger and difficulty. It had to struggle with a trairorous, self-elected assembly, who desired the people of the country to look to them and not to its parliament; and if the legislature had not supported a system of vigorous measures, and put down those assemblies, they must in the end have succeeded in overpowering parliament itself.

Lord *Holland* observed, that it was fortunate his noble and gallant friend, in bringing forward his motion, had not gone into a discussion of those details of oppression with which the Irish parliament were chargeable, because had he done so, the House, from the avowal of the noble earl who last addressed them, would have been engaged in a debate wholly unconnected with the subject now before it. What was the opinion he entertained of the character of the proceedings of that legislature, it was unnecessary for him then to declare: that character he would leave to history to appreciate; and in referring it to the judgment of impartial history, sure he was, that as to many parts of the conduct of that parliament, he could not consign it to severer chastisement. He would, however, refer the noble earl who spoke last, for information upon this subject, to those persons who were most particularly engaged in carrying the measure of union into effect; and if he should think proper to consult them, that noble earl would find that the repeal of those acts, which he and his noble friend considered oppressive, but which by all were considered to be at least odious to the people of Ireland, was one of the main encouragements held out to procure the acquiescence of the Irish people—an encouragement to which the final accomplishment of that measure was to be particularly attributed. Having said this much in answer to the speech of the noble earl, he also begged leave to express his satisfaction at the answer given by the noble secretary, namely, that the government of this country were ignorant of the issuing of this extraordinary order, and that they were not in possession of any previous knowledge of the state of Ireland which could have rendered such a line of public proceeding necessary. That answer given to his noble friend's question, he had heard certainly with satisfaction, but without surprise; for, though not bred or disciplined to place any considerable degree of confidence in the administration of the noble lords opposite, he could hardly bring himself to believe that any description of men in this country could have practised such abominable duplicity and deceit, as to have advised such a course of proceeding in Ireland as the Irish government had now adopted, without having first communicated such intention to his royal highness the Prince Regent, and stated the necessity of the measure and the determination to act upon it in the Regent's Speech to both Houses of Parliament. There remained, however, another question, which he felt it his duty to put to the noble Secretary, as it went to obtain an answer more explicit and full than the House could be in possession of from what had already fallen from him. The noble secretary had talked loudly of the necessity of upholding the government and the law, and preserving the public tranquillity in Ireland, and had expressed his conviction that the Irish government had exercised a wise and justifiable discretion. He was therefore most anxious to ascertain whether, in making those statements, the noble secretary had merely delivered his opinions as a peer of parliament, or whether it was intended by them to convey to the House that the sanction of the administration of which he was a part was given to the measure of the Irish government subsequently to its being made known to them; and if that sanction had been so subsequently given, he wished also to be informed whether such sanction had been communicated under the authority of the Regent; in a word, he was desirous to learn from the noble secretary, whether he, or any of his colleagues, had, since the first receipt of the intelligence from Ireland, made any official communication to that government of their sanction of its late proceeding? The measure might have been adopted, like many other measures, on the spur of the occasion by the Irish government, without having received the approbation of the government here, or the sanction of the Prince Regent. But hearing something that sounded a little like praise of it, he desired to know whether it had been approved of here? Under the present circumstances of the case, he would abstain from any further observations, thanking his noble and gallant friend for having directed the attention of the House to such a momentous subject. Every branch of the empire were indebted to him for such conduct; Ireland naturally looked up to him for his advocacy and support.

The Earl of *Limerick* said, that he should not take the advice that had been given to him, unasked for, by the noble baron who had just spoken. He should consult no such persons as the noble lord had thought proper to advise him to go to; nor should he go to meetings at Ballynahinch. He should consult the whole of the loyal people of Ireland on that subject; and had no doubt of the answer they would make him. As for what that noble lord had said of the parliament of Ireland, he had long sat in that parliament; and he should feel himself a disgraced man, if he permitted its character to be attacked, without taking notice of such attacks. That parliament did its duty to the king and the country; it remained firm at its post in the most troublesome times; and by its wisdom, loyalty, and firmness, it saved Ireland from the effects of a rebellion, from a revolution: while it also saved its connexion with Great Britain.

The Earl of *Ross* said, that he felt convinced that there was no intention on the part of the Irish government of enforcing the provisions of the Convention Act, to prevent the Catholics from petitioning parliament; and had risen with a view shortly to notice, for the information of their lordships, the real state of the facts which had given rise to the letter of the chief secretary of the Irish government. It was well known that there was a body of men calling themselves the Catholic Committee, constantly sitting in Dublin. As long as their meetings were confined to a few individuals, there had been no disposition on the part of the government of Ireland to interfere with their proceedings; but after they had drawn up petitions to the two Houses of Parliament, to be presented in the present session, they had lately began to proceed to further measures, and to resolve that a deputation of ten from every county in Ireland should meet in a sort of convention, which, added to their own number, consisting of 38, would form a representative body of 358 members. What subjects this convention was to discuss, or what proceedings they were to adopt, he did not know; but he would seriously appeal to their lordships, whether it was possible for the government of Ireland to permit such a course to be pursued, after the petitions to parliament were drawn up, and all the ostensible business gone through for which the Committee was originally assembled. The Catholic Committee, it appeared, were fully determined to assemble this new parliament. He was far from being disposed to think harshly of the Catholic body, but the Irish government must be supported; besides, he was by no means sure that the enforcement of this act would create amongst the Irish people the general sensation which seemed to be apprehended: it was to be recollected that there was a great difference of opinion even in the assembly of the delegates. He did not know whether he might not be permitted to read as part of his speech, a report which he held in his hand, of the proceedings of the assembly of delegates on the 2d of February. The proceedings of that assembly had hitherto been regularly reported, in the same manner as the debates of either House of Parliament in this country. It appeared from that report that Mr. Keogh, a gentleman who was well known to possess a considerable portion of influence in that body, made a motion, That the General Committee having exceeded the powers with which they had been entrusted by the aggregate Committee, should be abolished. Mr. O'Connel then addressed the chair, and the object of his speech was to shew that such a question ought not to be put by the chairman. Upon this occasion lord French was reported to have said, in speaking of the Committee, "You are appointed for a special purpose, and your commission is at an end." A division then took place, Ayes 13, Noes 24. This shewed, that perhaps these Committees had by no means the confidence of the majority of the Catholics, who might not disapprove of this interposition on the part of the Irish government. Was it possible, then, he would ask, for the Irish government to suffer a body like this, consisting of 358 delegates from all parts of the country, to assemble, nobody knew for what purpose, while there was an act of parliament existing by which such conventions were expressly prohibited? The measure adopted by the lord lieutenant was not therefore intended to prevent the Catholics from petitioning, or from submitting to parliament what they conceived to be their grievances; but really to support the law of the land.

The Earl of *Buckinghamshire* trusted that their lordships would not do so much injustice to the Irish government, as to conclude, before they were in possession of the circumstances which might have rendered the measure resorted to necessary, that the measure was in itself unjustifiable. The fairer and juster presumption was, that the Irish government had not determined upon that proceeding without good and sufficient reasons. Allusion had been made to the Irish Union, and he had heard that night what he had never before heard, that the repeal of the Convention Act was one of the conditions required by the Catholics for their consent to the Union. Among many other reasons which he had for doubting this was, that that act was but a declaratory act, declaring the law before existing, for the purpose of giving all parties fair notice of the illegality of their proceedings. And when the Catholics were about to hold a Convention at Athlone at a former period, when the times were so critical, that the Irish government thought it advisable to enforce the provisions of the act of parliament.

The Earl of *Donoughmore* said, he rose to claim on the part of that great portion of the strength of the empire, the Catholics of Ireland, that mere justice which the noble lord who had just sat down, had asked in behalf of the Irish government. He admitted that they should not condemn that act of the Irish government before they were informed of the grounds upon which it might be hereafter attempted to be justified; but if their lordships were required to suspend their judgment upon the conduct of the Irish government, upon this ground, he did not know with what consistency they could be called upon to presume the Catholics to be guilty. I am not (said his lordship) prepared to state here, in my place, as a member of this House, that this act of the Irish government is an improper act; I wait the information which may perhaps in some degree extenuate it, which may possibly justify it. Giving my opinion as a private individual, I frankly avow that I do not think it can be justified; but yet I do not feel myself warranted in censuring it parliamentarily, because I have not had that cognizance of it upon which parliamentary opinion should ultimately rest. Let me not, however, be thought to be unfairly predisposed against this act; in saying what I have said, I do not prejudge this act; I feel towards it all that constitutional jealousy which a strong act of power should at all times call forth. So far, if this be prejudice, am I prejudiced against it. The noble lord (the earl of Ross) has favoured us with extracts from a report of the proceedings of one of the Catholic committees; to what purpose? To justify the Irish government. Their conduct in this instance is not now before your lordships. The question now is, not whether the proceeding itself be or be not justifiable, but whether we ought to inquire into it at all? and upon this I presume your lordships will have little hesitation; therefore my noble friend will excuse me, when I say that what has fallen from him would, in my judgment, have been better said when the subsequent question upon the proceeding itself shall come before your lordships. But even then, I doubt very much if such evidence will be thought applicable, or even admissible. Were it even consistent, it is nugatory; but it is not only futile but contradictory. Your lordships are told, at one moment, that the alledged dissensions of the Catholics justified this measure: and at another, that their deliberate and systematic perseverance in the violation of the law, had made it necessary. But insinuations of even a less liberal motive have been thrown out; the real object of those meetings have been darkly hinted at, with a mischievous air of mystery. The real object of the Catholic is his avowed one; to obtain the restoration of indisputable constitutional rights. His legal and constitutional demand of them, ought not to be rejected with such insulting suspicions. Standing here as the person selected by the Irish Catholics to present to your lordships their claims upon your justice, I should ill deserve the high honour they have conferred upon me, if I could patiently hear their motives misrepresented, their principles misstated, and their views and general character abandoned to suspicions as gross as they are groundless.—So much for that great and injured body, whose rights should find an advocate in every sincere friend to the prosperity of this country; and as to the Irish government, it is before us that an extraordinary act of power has been so resorted to. We are bound to enquire why it has been so resorted to, and more especially when we have heard from a cabinet minister in this House that such act of power has not had the previous sanction of the Prince Regent or of his government: If this be so, it will be the bounden duty of your lordships to trace this measure to its true source. I now sit down, once more solemnly deprecating that mad and blind policy, of catching with avidity at every opportunity of traducing the Catholics of Ireland, and aggravating injury by insult.

Lord *Redesdale* thought it extraordinary that the noble lord (the earl of Ross) should have been arraigned for having quoted in favour of his view of the subject the authority of one of great consideration among the Catholics themselves, to prove that the committee were exceeding their powers. He was convinced that the proceeding which had called for the interference of the Irish government was contrary to the sentiments of the majority of the Catholics themselves. He was convinced that the majority of the Catholics wished the laws to be preserved inviolate. He was persuaded it would appear that the government of Ireland were not only justified in what they had done, but that it would have been criminal in them to have permitted a meeting which was clearly in direct violation of the laws of the land. He believed that its conduct would, when fully explained, meet with the decided approbation of the majority of the Catholics themselves.

The motion was then put and carried; and also that for the circular letter to the secretary of the Catholic committee adverted to by the noble secretary of state.

[DEBTORS' RELIEF BILL.] Lord *Redesdale* called the attention of the House to the Bills which he had submitted to their lordships in the course of the last session. The first was to enlarge the sum for which persons could be arrested on mesne process; the second was to establish a permanent provision for the relief of Insolvent Debtors; and the third had for its object to provide for the recovery of small debts, upon the constitutional principle of legal practice, namely, the intervention of a jury. The first had passed that House, but had been sent to the other so late that it could not be passed there before the prorogation. The second had not passed that House; and the third had been merely offered to their consideration. In the hopes that this last would be brought forward in another place, where it might be more convenient that it should commence, he would not at present press it upon the attention of their lordships. With respect to the bill for the relief of Insolvent Debtors, he would now submit that to the House. He had to a certain extent new modelled it, but not very materially. His object was to establish a single officer, to give him a court; and entrust him with the administration of the whole law on that subject. Some noble lords might differ with him as to the number; but the more he considered the subject, the more he was inclined to prefer a single judge. But as there might be grounds for appeal, he proposed that there should be a court of appeal for this single purpose, consisting of one judge from each of the courts of King's Bench, Common Pleas, and Exchequer, to be appointed by these courts themselves, which would secure the attention to the convenience of the courts, and to the due execution of this duty, while it would keep the whole within the principles of the established law. The bill, he stated, had been framed upon the various bills brought forward for the relief of insolvent debtors, adopting the principle of the law of *cessio bonorum* as it was established in Scotland, Holland, and other places. He moved the first reading of the bill, to enlarge the sum for which a person could be arrested for debt on mesne process.

The Earl of *Moira* could not allow this opportunity to pass without remarking how much the country was indebted to the noble and learned lord, for the attention he had paid to this subject. Certain he was that there was no other subject upon which his talents and industry could be employed in a manner more serviceable to the interests of the community, and he was happy that he had called the attention of the House to it in this early period of the session.

Lord *Holland* also congratulated the House, that this measure had been so early brought forward; for he was convinced there was nothing so disgraceful to the justice of this country as the state of the law between creditor and debtor. Some circumstances had come to his own knowledge—circumstances which, perhaps, he might at a future period bring before the House—so abominable, so revolting to the common feelings of justice and humanity, that when their lordships were fully aware of them, it was impossible they could resist the conclusion that something must be done. The subject was most important too, as connected with the state of our prisons. Persons being sometimes, in direct opposition to the principle of the Habeas Corpus Act and of gaol delivery, confined in the Houses of Correction here, which were not liable to the gaol delivery, and remaining there from month to month, and for any thing that was known, from year to year, without the benefit of investigation and trial. He was most happy that it had fallen to the lot of the noble and learned lord to bring forward these bills. If the thing could have been effected by great knowledge, by powerful eloquence, and active humanity, it would have been done long ago by the efforts of his noble friend near him (earl Moira.) But he most cordially agreed with the noble and learned lord in this, although he differed from him on most other subjects, and he rejoiced that the matter had fallen into his hands. That noble and learned lord had certainly not been subjected to the imputation of a love of innovation, which had so often been the answer to the most important improvements, when coming from a different quarter. He hoped that to him, at least, no such objection would be made, and that at last the measure would succeed. The subject was one of the very greatest importance, and there was no way in which their lordships could raise themselves to such an advantageous height in public opinion, as by a strict attention to measures calculated to promote the welfare and happiness of the community. He hoped the noble and learned lord would persevere, and not suffer himself to be decoyed by others, to put off this measure, under any pretence, to the close of the session, when it might possibly be, for the present, entirely defeated.

The Bills relative to Arrests, and to the relief of Insolvent Debtors, were then read a first time, and ordered to be printed.

[Capital Punishments in Revenue

Cases.] Lord *Grenville* could not help congratulating the House on the manner in which public business was now brought forward there; instead of waiting, as formerly, in listless inactivity, till it was brought before them all at once, at the pleasure of the minister of the crown towards the close of the session, when it was utterly impossible that their lordships could discharge their duty to their own satisfaction. He was happy, however, that now measures of the greatest importance had been brought under their consideration at this early period of the session. It was on the same principle that he thus early called their lordships attention to another subject of much interest, though of less importance, perhaps, than those which had already been submitted to their consideration. It would probably be recollected, that two years ago, he had moved for an order upon the Judges to prepare a Bill for consolidating into one act, all the offences subjected to capital punishment for breach of the Revenue Laws. A custom had been introduced of enacting the infliction of capital punishments in new bills with reference to old laws; many of them, perhaps, not generally known. It was to put an end to this shocking custom that their lordships had made the order to which he referred, with the further intention that no future infliction of the penalty of death should be permitted, unless the offence for which it was to be inflicted should be at the time clearly and distinctly stated. The Judges had prepared the Bill, and discharged their duty. Their lordships had appointed a Committee to investigate the business, but he was afraid his own illness had prevented the matter from being brought to a conclusion. He now therefore moved, "That a similar Committee be appointed, to ascertain what provisions were necessary to be continued and enacted, in regard to this subject: that the Bill prepared by the Judges be referred to them, as well as the proceedings in the former Committee: that the same lords should constitute the Committee: and that it do meet on Wednesday;" all which were agreed to.

HOUSE OF COMMONS.

Monday, February 18.

[Catholics of Ireland.] Mr. *Ponsonby* rose to put a question to the right hon. gent. opposite, on a subject which he conceived to be at this moment of the most vital import to the British monarchy. The subject to which he alluded, was the state of Ireland, and the matter to which he wished more immediately to call the attention of the House, was a paper purporting to be a Letter from the Chief Secretary of Ireland to the sheriffs and chief magistrates of that part of the kingdom, relative to the meeting or calling together of the people of that country. The question which he wished to put to the right hon. gent. on this subject, was, if whether, before the step alluded to in that Letter had been resorted to, the pleasure of the Prince Regent had been taken on the subject; and if the documents had been communicated to the Prince Regent, which, in the opinion of ministers, justified them in resorting to such a step? He did not wish to press the business, at present, and should not now urge it beyond the explanation he had applied for.

The *Chancellor of the Exchequer* said, he could have no difficulty, nor even the slightest objection to give the answer demanded of him by the right hon gent. The Letter alluded to by the right hon. gent. was as new to him on Thursday last, as it could have been to the right hon. gent. on Friday. Not only was such a step on the part of the Irish government perfectly unknown to him and his colleagues on this side of the water, but they were, till Thursday last, entirely ignorant that the meeting referred to in the Letter had assumed such a character or appearance as to render it necessary to resort to such a step. Having said so much, it was not necessary for him to go farther, than simply to state, that though the government of Ireland had thought it necessary to proceed under the authority of the Convention Act, he and his colleagues in England, had no doubt that they had acted with a wise and prudent discretion. Having said this, it would be superfluous to add, that no knowledge or concurrence of the Prince Regent could have been had on the subject; nor had any previous consent been given by him to the issuing of the Letter in question.

The Hon. *J. W. Ward* asked, if it was the intention of ministers to lay before the House any document to satisfy them of the propriety of the conduct adopted by the Irish government in this emergency? Was it their intention, for instance, to submit to the consideration of the House the Letter of Mr. W. Pole on this subject?

The *Chancellor of the Exchequer* had no such immediate intention, but declared that he had no objection whatever to the production of any papers of the nature alluded to, that could with propriety be produced. Of course he should reserve to himself the right of judging of that propriety, should the hon. gent. think fit to make any motion on the occasion.

Mr. *Ward* then gave notice that on Friday he would move that there be laid before the House the circular letter of the Chief Secretary for Ireland, together with any other papers that might tend to elucidate this important subject.

Mr. *Hutchinson* expressed his hope, that, as soon as ministers became acquainted with the recent transactions of Ireland, they had issued directions to the Irish government to take such measures as would avert misconception, and would prevent the Irish people from imagining that it was intended to disturb them in the exercise of their undoubted right of petitioning parliament against any grievance by which they might be affected. He had come down on Saturday with the view of expressing this expectation, but was disappointed by the failure in making a House. At that time, it was also his intention to give notice, that on Friday he would move for the repeal of the Convention Act, the execution of which intention, however, he would postpone for a day or two, until more accurate and detailed information should be received.

[Population Bill.] Mr. *Rose*, after a variety of observations on the benefits which had resulted, both in a financial and in a military point of view, from the last measure of a similar nature, moved, "That leave be given to bring in a Bill for taking an account of the population of Great Britain, and of the increase or diminution thereof."—After a few remarks by Mr. D. Giddy and sir J. Newport, the motion was agreed to; and Mr. Rose brought in the Bill: which was read a first time, and ordered to be read a second time to-morrow.

HOUSE OF COMMONS.

Tuesday, February 19.

[Confinement of M. Colville in Cold Bath Fields Prison.] Lord *Folkestone*, in the absence of an hon. baronet, (sir F. Burdett) rose to ask a question respecting the person now confined in Cold Bath Fields prison, M. Colville? The day after the subject had been brought forward by his hon. friend, an under secretary of state had given the House some information on that head, at the same time stating, that the whole circumstances of the case could not be laid before the House till further inquiries had been made. Those inquiries, it was then stated, were making, and now a week having nearly elapsed since that statement was given, he wished to know what progress had been made in those inquiries?

The *Chancellor of the Exchequer* said, that inquiries had certainly been made, the result of which he was not prepared to communicate at that time to the House. He, however, wished then to give notice, that it was his intention to move for a Committee on the subject on Thursday.

[Catholics of Ireland.] The Hon. *J. W. Ward* stated, that as no objection was intended to the production of the circular Letter of Mr. Secretary Pole, and that of the Secretary to the Irish Catholic Committee, it was his intention not to wait for Friday, but then to move that such documents should be laid before the House. He at the same time wished to know, whether the Chancellor of the Exchequer was willing to produce any other communications which the government might have received on that subject?

The *Chancellor of the Exchequer*, in answer, observed, that he had no objection to the immediate production of the two documents alluded to. Government had certainly received other communications from Ireland, but he abstained from giving any answer on that point, until the hon. gent. made a more specific statement of his object.

Mr. *Tierney* felt anxious to know whether the two papers alluded to, were the only ones on the subject in the possession of the government, or if there were others which, consistent with the public interest, could not be produced?

The *Chancellor of the Exchequer* stated, that government had certainly received other dispatches referring to that subject, from the administration of Ireland.

The motion for the two documents was then agreed to; Mr. Ward reserving to himself the opportunity of moving, on a subsequent day, for the production of such other papers as he should think necessary.

HOUSE OF COMMONS.

Wednesday, February 20.

[Report of the Bullion Committee.] Mr. *Rose* wished to ask the hon. and learned gentleman opposite, whether it was his intention to propose any legislative measure on the subject of the Report of the Committee appointed to inquire into the causes of the high price of Bullion; and if it was, when he would be prepared to introduce the question for discussion.

Mr. *Horner* replied, that, in his opinion, the documents and accounts already before the House were amply sufficient to enable the House to proceed to this investigation, without the production of any further papers. He believed, however, that the accounts lately moved for would require some time, and create some difficulty before they could be obtained; he should therefore wait till his return from the circuit, and bring the subject forward early in April. In answer to the inquiry of the right hon. gent. he had to state, that it was his intention to submit a legislative measure founded on the Report of the Committee, which measure would be the repeal of the Bank restriction. He wished, at the same time, to be informed whether the mode adopted by issuing an order of that House for the production of the accounts lately moved for by the right hon. gent. was likely to prove effectual for that purpose. He was himself apprehensive that it would not be easy to ascertain correctly the current prices of gold and silver Bullion, and the variations in the course of the exchange, by means of those papers, and that tables constructed on a certain principle would furnish a better opportunity of communicating the requisite information. He much feared that it would be impossible to get the returns officially made with proper accuracy, in conformity to the order of the House.

Mr. *Rose* expressed his regret that there should be any delay in so important a case, where it was of the utmost consequence that the decision of the House, be it what it might, should be come to as soon as possible. He would undertake that the papers for which he had moved should be on the table in a few days.

Mr. *Horner* said he was perfectly aware of the propriety of coming to a prompt decision, and assured the House that there was no wish upon his part to postpone the discussion; no other delay would take place, they might depend, than was necessary to bring the subject fully before them.

[Navy Estimates.] Mr. *Yorke* rose to move the usual Vote of Seamen, the same in number as that of the last year. The vote of last year granted 145,300 seamen, including 31,400 marines; and it appeared to him that as many would be required now; for though our successes in the Indian sea might seem to make a smaller force necessary, the situation of the north of Europe must prevent, for the present, any considerable reduction in that establishment. It should also be recollected, that a long time must elapse before the return of the ships from India, even if it were thought expedient to make any alteration in that respect. A change had taken place last year in the manner of voting seamen. It was then conceived right to provide for the victualling separately instead of including it, as was formerly the practice, under the general head of wear and tear, and he should now propose the vote of supply upon the same principle. The actual number of marines for the present year surpassed the estimate in consequence of the volunteers who went out on the expedition to the Scheldt, but he should only require a vote of 145,000 for the sea service altogether.

Mr. *Whitbread* said he did not mean to oppose the vote, but could not help observing, that the estimates of the last year were printed; he was sorry that was not the case in the present instance. As to the necessity contended for by the right hon. gent. of maintaining so great a number of seamen, he was the more inclined to be dissatisfied with it, as so much was stated in the course of last session, particularly by one right hon. gent. upon the propriety of looking to the naval establishment as one great source of public retrenchment. The right hon. gent. had mentioned our great successes in the Indian seas, but turning his attention from thence to the North of Europe, he had represented the force of the enemy to be increasing in the Scheldt. On hearing this declaration it was impossible to avoid regretting the ill success which attended all our attempts. It had been stated in evidence last year that the Bason of Flushing was destroyed, and now it was to be apprehended that the enemy was collecting his force there. He should make no other remark upon these points at present, but reserve himself for future opportunities.

Mr. *Yorke* said, that the vote of this day referred merely to the wear and tear, and that the other parts would be brought forward as soon as possible. As to looking for any great or material retrenchment in the number of seamen, he was not one of those who reckoned on it with much assurance in the present situation of Europe and of the war; and as to the operations in the Scheldt, he still thought that great advantage was derived from them. The bason of Flushing had been so far destroyed, as to render it impossible for any considerable number of ships to winter either there or at Antwerp. This was an object of essential utility to the country.

Mr. *Whitbread* wished to understand correctly, if large French ships could or could not pass the winter in the bason of Flushing at present? He recollected that one of the greatest ornaments of the naval service, commodore Owen, had stated in his examination, that his opinion was that not a single ship would be spared by the result of the operations in the Scheldt, and the right hon. gentleman had now given additional confirmation to that belief.

Mr. *Yorke* said, in answer to the hon. member's question, that the bason of Flushing was not practicable to ships of the line; he did not know, whether the smaller vessels of the enemy might, or might not, make any use of it.

The motion was agreed to; and also the following sums voted on the motion of Mr. Yorke:—For wear and tear of the Navy 3,345,850*l.* for victualling 4,053,312*l.* for ordnance 639,750*l.*

Lord *Palmerstone* moved for the sum of 3,000,000*l.* for his Majesty's Land Forces; and 2,000,000*l.* for the Militia of Great Britain and Ireland.

Mr. *Whitbread* wished to know whether it was the intention of the noble lord to recommend any alteration in the system of the Local Militia?

Lord *Palmerstone* said it was the intention of government to diminish the number of days of attendance from three weeks to a fortnight, except in the case of those who had not served last year.

Mr. *Whitbread* then called the attention of the Committee to the discipline of the Staff. A doubt, he said, existed in the minds of some, whether under the Militia Bill they had power to try by Court Martial, and that doubt produced bad effects upon the discipline of different regiments; but the point to which he wished principally to advert, was the infliction of corporeal punishment in those cases. He thought imprisonment a much more eligible course, and fully as conducive to promote the discipline of the corps.

Lord *Palmerstone* said it was competent to the Courts Martial at present to recommend imprisonment in the place of corporeal punishment.

The House then resumed, and the Report was ordered to be received to-morrow.

HOUSE OF COMMONS.

Thursday, February 21.

[Scotch Creditors Bill.] The House went into a Committee on the Scotch Creditors Bill.

Mr. *Abercrombie* asked to what period the bill was to be extended?

The *Lord Advocate* of Scotland replied; he proposed to extend it for the term of seven years.

Mr. *Abercrombie* suggested, that it would be more beneficial to limit the duration of the bill to the period of two years. This produced a short discussion.

Mr. *Horner* maintained that the principles of the bill would not be generally beneficial to the people of Scotland, and that the learned advocate had deserted his duty in proposing it in the manner it was now framed.

The *Lord Advocate* defended himself against the insinuations of the hon. and learned gent. who he observed had long left his country, and therefore could not be so well acquainted with the laws relating to bankrupts. He had however, no objection to agree with the suggestion of an hon. gent. and would limit the continuance of the Bill for two years.

Mr. *Horner* still insisted that he was justified in what he had before asserted, and though he did not differ with the learned lord upon the general principles of the bankrupt laws, yet he did, in point of fact, as to the application of those laws, which facts he had derived from the opinion of other persons.

The *Chancellor of the Exchequer* conceived the hon. gentleman was not justified in repeating the charge against his learned friend, of want of duty to his country; and as the learned gentleman maintained his argument in opposition to the bill on the ground of opinion, he thought his learned friend had better adhere to his own opinion, in preference to that of the hon. gentleman.

After some further observations from Mr. Adam and Mr. Abercrombie, the amendment of the latter hon. member was agreed to. The House resumed, and the Report was ordered to be received to-morrow.

[Irish Convention Act.] The Hon. *J. W. Ward* wished to ask the right honourable gentleman whether the two Papers already moved for, contained all the information relative to the motives and circumstances which had induced the Irish Government to enforce the Convention Act?

The *Chancellor of the Exchequer* had no objection to answer the question as often as it might please the hon. gentleman to put it to him. He had already answered three or four different times, and he now again answered in the negative.

Mr. *Ward* said, that he had received the answer in a private communication with the right hon. gentleman, and was anxious to have it thus publicly, in order to found upon it his notice of moving to-morrow such other Papers as he might between this and then think necessary to be called for—and he now gave such notice for to-morrow.

[The Prince Regent's Household.] The *Chancellor of the Exchequer* rose for the purpose of adverting to a former notice he had given respecting the Household to be provided for his royal highness the Prince Regent. It might be recollected, that in the course of the discussions on the Regency Bill, he had alluded to the course which, in his opinion, would be the most eligible for the House to pursue in the establishment of the Regent's Household. He had accordingly been preparing to submit a plan which, by the temporary reduction of the office of the Chamberlain, would enable the country to provide and maintain such an establishment at the low rate of 12 or 15,000*l.* When his royal highness was pleased to signify his determination of continuing in the service of the crown the persons then carrying on the government, he felt that it became his duty to lay the plan of an Household before the Regent; but upon an audience with his royal highness, he learned that his royal highness remained fixed in a perfect determination of adhering to his former sentiments upon that subject. For the nature of those sentiments his royal highness was pleased to refer him to a learned and honourable friend of his opposite (Mr. Adam.) By him he had been informed, that from the moment that he (the Chancellor of the Exchequer) had first communicated his intention respecting the course meant to be pursued by him respecting the Household, his royal highness had communicated to that learned gentleman his determination not to add to the burdens of the people by accepting of any addition to his public state as Regent of the United Kingdom. He was satisfied that neither that House nor the public would have felt any indisposition in contributing to the expence of the due support of the state and dignity of the Prince Regent. At the same time, the country would not be backward in duly acknowledging this instance of self-denial on the part of the Prince Regent, and his royal highness could not fail to find that such refusal would, in point of fact, throw around his character and station more real splendour than could be borrowed from any pageantry, however brilliant: that external magnificence, calculated to dazzle the vulgar gaze, and catch the giddy admiration of the populace, the Prince did not hesitate to sacrifice to those solid good qualities which had long since won, and promised to secure to him, the affections of the people. Having stated these circumstances to the House, it was scarcely necessary for him to add that it was not now his intention to submit to them any such plan; and he had only to call upon the learned gentleman to whom he had alluded, to corroborate such part of the statement as his knowledge enabled him to say was accurate, or to correct any mis-statement into which he might have inadvertently fallen.

Mr. *Adam* accordingly rose and confirmed the statement of the right hon. gent., which he pronounced to be so accurate as to relieve him from troubling the House with more than his confirmation of it. He said, that previous to the day on which the right hon. gent. made his motion in that House, his royal highness had delivered into his hands, copies of the letters from that right hon. gent. to the Prince, and of the Prince's answer, accompanied with written instructions to him, requiring him in case any thing should be stated relative to the establishment of an additional Household for the Prince, to state on behalf of the Prince, that it was his royal highness's wish to discharge the duties of a temporary Regency without adding unnecessarily to the burdens of the people; and that he must, therefore, decline the intended establishment; such he knew to have been his royal highness's determination in the question of a temporary Regency. In case, however, of such circumstances occurring as might lead to a permanent Regency, he conceived that the question would then be open anew to the consideration of his royal highness. He added, that he had had long opportunity of becoming minutely acquainted with the views and intentions of his royal highness respecting his domestic economy, and that his determination in this particular instance, was but conformable to the principles which had governed his royal highness's conduct; it was not then a time to go into a detail of such circumstances, but whenever the opportunity arrived, he should be enabled to give the House the most satisfactory information on this head.

[Detention of Colville in the Cold Bath Fields' Prison.] The *Chancellor of the Exchequer* rose to move for a Secret Committee to inquire into the cause for apprehending and detaining Monsieur Colville in the House of Correction. He observed, that it would be unnecessary, and indeed premature for him to discuss the question now, as the appointment of a Secret Committee to inquire into all the circumstances of the case of this person, would be the preliminary step to that discussion. He then moved for a Secret Committee.

Lord *Folkestone* expressed his surprise, that no answer had been given to the statement made by his hon. friend with respect to the detention of this person. He did not, however, mean to object to the appointment of the Committee, and hoped that the result of their investigation would enable his Majesty's government to refute the statement of the hardships of his case.

The *Chancellor of the Exchequer* observed, that the House must recollect that the statements made by the hon. baronet were not merely, that Colville had been apprehended and detained, but that he was denied the use of pen, ink, and paper, and, in short, closely confined, without knowing what were the charges against him: these were material circumstances for the House to inquire into. It was material to know, too, the circumstances attending his capture. Whether he was taken as an open enemy, as a spy, or in what circumstances he was placed, which induced his Majesty's officers to apprehend him. The Committee would inquire into all these circumstances, and the noble lord he conceived, would not find much cause for objection, when he informed him that he proposed to entrust him with the inquiry, in conjunction with some other hon. members. The right hon. gent. then proposed the following members to be of the Committee: Mr. R. Dundas, sir F. Burdett, Mr. C. Long, Mr. C. Wynne, Mr. Wilberforce, Mr. Leycester, lord Folkestone, Mr. Sumner, sir A. Pigot, Mr. Lamb, Mr. Fane, Mr. Ellis, Mr. Goulbourn.

Mr. *Yorke* wished to state that lord George Stewart had informed him, that so far from the assertion made by the hon. baronet being true of having inveigled Colville on board being correct, it was not true; therefore the hon. baronet had been misinformed. However an opportunity would now be afforded the Committee of examining lord George, and they would learn from him the particulars of the case.

The Committee as named were then appointed.

[Affairs of India.] Mr. *Creevey* rose, pursuant to notice, to move for papers relative to transactions, both civil and military, in the East Indies. He had last year moved for several documents respecting some extraordinary trials in the courts of law, at Madras, in the years 1808-9, to which no return had been made. He now proposed to revive his former motions, and also to call for new documents.—It was necessary especially that the military concerns to which he alluded should be distinctly elucidated, that it might be clearly seen where, if any where, blame ought to rest. In the first place, any one might see that the suspension of major Boles, on account of his obedience to the commands of his superior officers, was the immediate cause of the agitation which prevailed in the Madras army. This case had recently been considered by the Indian government here, and the consequence of the inquiry was, that major Boles was restored. Such being the result of the inquiry, the obvious inference was, that the conduct of sir G. Barlow could not have been regarded as in every instance correct. The next prominent feature in these transactions was, that by an order of sir George Barlow of the 1st of May, certain officers had been suspended upon an *ex-parte* inquiry. They, too, had appealed to the directors. He would abstain from calling for any document on this point for the present, reserving to himself the liberty of proceeding hereafter according to circumstances. The only other subject connected with the military transactions to which he would that night call the attention of the House, was the trial of several officers by courts martial. After the suppression of this unfortunate rebellion, the government of Madras selected for trial by court martial colonels Bell, Storey, and Duncan—and as the opinions of the courts martial were at so much variance with those of the government, it was proper that the House should have documents to enable it to decide upon that question. This much relative to the military transactions in the presidency of Madras.—With regard to the other case, certain trials at law, which took place at Madras in 1808-9, he must again say, that they were of a most extraordinary nature, and ought not to be passed over without inquiry and explanation. He had before moved for documents on this subject, but as it was one of great importance, he would shortly state the outlines of the case as they had come to his knowledge. It was well known that a certain sum, five millions, had been set aside by the East India Company to answer the just and legal claims upon the nabob of Arcot. Claims to the amount of thirty millions were preferred upon this five millions, and suspicions were naturally entertained that vast numbers of them were false. Commissioners were appointed to examine and ascertain the real and *bona fide* debts. A certain number of gentlemen at Madras, interested in this business, being *bona fide* creditors, and acting in behalf of *bona fide* creditors, instituted a prosecution against a native of the name of Reddy Row, for forging one bond, and for a conspiracy with respect to another cash transaction, involving the foulest perjury. Reddy Row was convicted by juries of Englishmen, upon all the charges. But the extraordinary part of the transaction was, that sir George Barlow identified himself with Reddy Row, and directed notice to be given Mr. Maitland, a justice of the peace; to Mr. Roebuck, an officer high in the government service; and several others, individuals of the first respectability, prosecuting in behalf of the *bona fide* creditors, that if they presumed to interfere they would subject themselves to the serious displeasure of the government. Authority was besides given to the advocate-general, Mr. Anstruther, to defend this Reddy Row, and an order was made to defray his expences, from the funds destined for the payment of the real creditors. The first thing done by sir G. Barlow, in execution of his threat, was to remove Mr. Roebuck, who had been 36 years in the service of the Company, from Madras and his connections, without stating any grounds for this proceeding, though earnestly applied to for that purpose. He was removed at the risk of his life to a distance of 500 miles, to a most unwholesome situation, with less than half his former emolument, and in a few weeks after Mr. Roebuck in fact died. The magistrate who committed Reddy Row was also removed from his office: a third was sent to England against law; and from each of the juries who convicted Reddy Row, some were selected and sent to a distance of hundreds of miles with far inferior situations to those they held before, and the duties of which they were incompetent to discharge. Sir Thomas Strange, the judge at Madras, seconded the efforts of the governor. He gave it as his opinion, that the commissioners might still pay the bond, though found to be a forgery, and sent to this country a recommendation of pardon for Reddy Row. The pardon was granted; but in its voyage out to India, fresh matter had come out, conclusive as to the character and objects of this gentleman, who at last thought proper to relieve the anxiety of his friends by administering to himself a dose of poison. If the facts bore him out in this statement, he would ask if ever there was a stronger case before the House? It was needless for him at this time to mention what further proceedings might be requisite; but he would now say, that if these facts bore him out, he would move for the recal of sir George Barlow, as necessary to clear the character of the nation. He concluded by moving for several papers relative to these transactions, to the production of which he understood there was no objection.

Mr. *Charles Grant* never heard a more aggravated statement of any case than that now laid before the House. When the papers were produced it would appear how very much the circumstances had been distorted. He would in a few words state his view of it. It was well known, that for 30 or 40 years back the Arcot debts had been a source of corruption. When the company took the territory into its hands, it was thought but justice to ascertain what claims there were upon it; and a commission was appointed; a branch of which sat here, and another at Madras. Before the arrival of sir G. Barlow at Madras, a large manufacture of forged bonds had been carried on, and the bonds were publicly sold. The law officers of the commission were directed to make inquiries, with a view to check this evil; and a case of forgery, by one Paupiah Brahminy, a native notorious for his want of character, a prosecution was determined upon; and an application made to the government, after the arrival of sir G. Barlow, for the assistance of its law officers to carry on the prosecution. This was granted. Upon which Brahminy turned round, and commenced a prosecution against Reddy Row, who had been 30 years a servant of the company, and of whose assistance the commissioners had availed themselves. Mr. Maitland, himself a creditor, took the evidence against Reddy Row, and refused to take it in the other case. Under these circumstances the government thinking the prosecution against Reddy Row to have originated in malicious or interested motives, ordered him to be supported. The whole settlement was divided into parties respecting this business; and by one of them the conduct of the government would of course, be represented in its very worst light. Mr. Roebuck had been removed not only for his interference, but for his factious conduct in other respects. The place to which he was removed was on the sea-coast, and very healthy; but he was an old man, above sixty, and in bad health before his removal, which accounted for his death without ascribing any thing to the effects of a noxious climate. Maitland had been removed, because unworthy of office, as would appear from the papers when laid before the House. The governors had no object but to support the cause of justice against faction. With regard to courts of law, the directors had taken no notice of any thing except the conduct of its own servants. As to the death of Reddy Row, from whatever cause it arose, it was entirely unconnected with the case of the bonds. The commissioners had reason not to be satisfied with him, and dismissed him in the exercise of their discretion. He only requested that the House would suspend its judgment till the papers were produced. As to the military transactions, if the last session had been longer, all the documents on that subject would then have been produced. They would soon, however, be brought forward, and, he hoped, considered with a degree of attention suited to their importance. On a subject where so many individuals and interests were concerned, there would be a great deal of prejudice. But the Indian government wanted nothing but to have the whole investigated; and the more gentlemen considered the documents, the more reason they would see to distrust a great number of stories that were circulated by individuals. He had no personal connection with sir George Barlow. He had only corresponded with him as an officer of the government; but he viewed the great lines of his conduct as entitled to the highest approbation. Although in a situation of such difficulty, some of the minor steps might have been faulty, yet he had no doubt but sir George Barlow had done a great service to the public; a service which even men of considerable merit could not have rendered. It was a mistake to suppose that this business had originated with the suspension of major Boles. The origin of it was much more remote, but the whole would be before the House, and he trusted gentlemen would take the trouble to examine it thoroughly. They would find it well worth their labour, and in the mean time he only requested a suspension of their opinion.

Lord *Folkestone* would have been perfectly satisfied with the hon. member's statement, but for some little inaccuracies. It had been said, that Mr. Roebuck, from his time of life, and the peculiar nature of his services, which had lasted so many years, might have died, without leaving any other cause to be looked for than his age and services. But this argument cut both ways: and it was rather a singular vindication, that an old and infirm man—a man, too, whose infirmities arose from his services to the Company, should have been sent to an unwholesome spot, and left to take his chance of living or dying there; and that, after having made every submission that could have been required, and written a supplicatory letter. As to Mr. Maitland, who was removed from his situation as a justice of the peace, for receiving the evidence of one man, and refusing that of another, he ought to have been praised for his sagacity; for it turned out in the event, that Reddy Row was given up by the government, and Paupiah Braminy, though his trial had been put off for three sessions, for the collection of full evidence against him, was finally let off without their urging the trial to conviction. Thus, according to Mr. Maitland's judgment, the event actually exhibited itself. For Paupiah was not prosecuted, and Reddy Row was found guilty. That personage died by his own hands, after being found guilty by three successive juries, of perjury, forgery, and conspiracy to cheat and defraud. Full as this was for his disgrace, Reddy Row contrived still to find protectors in the Chief Justice, sir Thomas Strange, and the government; until a witness came forward, who saw him in the very act of forgery, and it was only then that he was given up. As to the military matters, it would not be proper to enter upon them, until fuller information was obtained. But if it was to be said that sir George Barlow put down the rebellion by his intrepidity and good conduct, let it be remembered, that to all appearance it was a rebellion of his own raising. The army appeared to him to have been driven to extremities by the harshness of sir George Barlow. It was to be hoped, that the entire business would meet with the most accurate discussion; and that gentlemen would come down to the House, not prepared, as they sometimes were on India matters, by canvassings and solicitations, but after the best examination which they could give to the evidence, and the best judgment which they could bring to matters of such high importance to the British character.

Mr. *Wallace* said that the Directors, though they approved in general of the measures of sir George Barlow in India, yet to that general approval there were a few exceptions; such, for instance, as the removal of colonel Capper. He said that the hon. mover in tracing the cause of the discontents in India was by no means correct; that cause was very different from the one that he had stated. That hon. gentleman seemed to have forgotten the conduct of general Macdowal, and the arts he practised on the army under his command.—He spoke in high terms of the conduct of sir G. Barlow, both civil and military, who was placed, he said, in very critical circumstances. The noble lord opposite had particularly objected to the interference of the government in the civil trials at Madras. This interference was at the express desire of the commissioners, who stated it as absolutely necessary to enable them to discharge their duty; and the government conceived itself bound to give every assistance to the commissioners. With respect to Reddy Row, his death did not at all alter the nature of his case; and he did not believe that he had put himself to death, it being more likely, from his previous bad health and advanced age, that he died in a natural manner. As to Mr. Roebuck, who had been so much extolled for his fidelity and services—and so forth, he believed that that was very far from being a just character, though he knew nothing of Mr. Roebuck. (Hear! from opposition benches.) He meant to say, he had no personal knowledge. All he knew of that gentleman was from the papers which had come through his hands; and from them it would appear that he had been so factious that he had drawn upon himself the displeasure of the government. With respect to Mr. Maitland, he was removed for the commitment of Reddy Row under circumstances which by no means justified that measure. Two men were then brought forward as witnesses, whose characters were bad and undeserving of credit. One of the commissioners offered to prove that they were undeserving of credit; but this was refused by Mr. Maitland. And with respect to Mr. Maitland's refusal to commit Paupiah Braminy, he asked if any magistrate in this country, who was himself interested in the cause before him, had behaved in the manner Mr. Maitland had behaved, would he not, on the affair being brought before the King's-Bench, have been removed from his office.

Sir *T. Turton* declared that it was evident the causes of the late rebellion in India rested solely with the government of Madras. He did not mean to say that they had caused the rebellion, but that it was founded on something (whether right or wrong he would not now pretend to determine) which they had done. An hon. gent. opposite had deprecated the condemnation of sir George Barlow, until the papers illustrative of his conduct should be produced; be it so: but the same measure of justice was unquestionably due to the unfortunate general M'Dowall. It was very possible that sir G. Barlow might have been only firm; but until he saw proof to the contrary, in the papers which were to be produced, he could not help thinking that sir George, in substituting obduracy for firmness, had endangered the loss of our Indian empire; an empire which, he would repeat, we had obtained by our crimes, which we were enabled to retain only by our injustice, and which we should probably lose by our folly. The hon. baronet censured in strong terms the conduct of the Directors as exhibited in their dispatch of September 15, in which they refused to hear general M'Dowall's defence, and in which the inconsistency appeared of approving in the first instance of the whole of the course pursued by sir G. Barlow, and then of condemning the suspension of major Boles. As for the civil part of the question, it did not appear to him that there had been any ground for the interference of the home government on the representation of the commissioners. Of all the subjects connected with our Indian empire, which required immediate and serious investigation, no one appeared to him to be more urgent than the mode of administering justice in that country.

Mr. *Robert Dundas* condemned the introduction into the discussion of topics, on which, under the present circumstances, the House was not competent to pronounce. This prejudging of important questions was fair neither to the individuals immediately concerned, nor to the House itself. The hon. baronet had complained of the mention which had been made by his hon. friend of general M'Dowall, but how was it possible in adverting to the origin of the disturbances at Madras, to avoid this? The hon. baronet had also most unjustly censured the dispatch of the Court of Directors as inconsistent, since it contained an approbation of the whole conduct of sir G. Barlow. Instead of this, however, it was distinctly stated, that in the opinion of the Directors, the Madras government had not entirely conducted itself to their satisfaction, which was rendered evident by the subsequent instructions to that government, to reinstate major Boles in the service. The hon. mover, in rather a sneering kind of way, had animadverted on the conduct of the Chief Justice of Madras, and of the government at home, as connected with the pardon granted to Reddy Row. In speaking most highly of the character, of the integrity, and of the abilities of the Chief Justice of Madras, he was confident that he uttered the sentiments of all those who were qualified to judge of him. When the papers should be laid on the table, it would be found that the conduct of sir T. Strange had been throughout most exemplary. What had been the course pursued at home? A report of the trial had been received, containing details of the evidence; this was accompanied by a statement from the Judge, of the charge which he had thought it his duty to give to the Jury, and of his reasons for thinking that in their verdict the Jury had acted erroneously, with this declaration super-added, that he did not appeal to the mercy, but to the justice of his Majesty. Now, what would have been said, if government, after receiving such a statement, had not advised his Majesty to extend his royal mercy to the party concerned?—He could not sit down without shortly adverting to the accusation preferred against him a few evenings ago by the hon. mover of the present question, namely, that he had last session urged the East India Loan Bill through its various stages at a very late hour of the night, until the third reading, which was proposed at an hour unusually early. On referring to those authorities which were in every one's possession, he found that on the evening when the India Bill was read a third time, a previous discussion had taken place in the House on the subject of the Assessed Taxes, and on the motion for the third reading, the hon. gent. and the noble lord who supported his statement had participated in a debate which terminated with a division. How far these facts were consistent with any intention to carry the bill through parliament by surprise, he left for the House to determine.

Lord *A. Hamilton* declared that if ever there was a subject which called for minute and particular attention, it was the present. He defended the conduct of his hon. friend from the imputations which had been thrown out against it. His hon. friend had been accused of prejudging sir George Barlow—of prejudging a man by whom so many brave officers had been condemned and punished without an examination or a hearing! Yet it was for this person that such extreme tenderness was manifested by the right hon. gent. at the head of the government of India. He would not justify all the acts of the Madras army; but this he would say, that it was the intemperance of sir G. Barlow which drove them to those acts. By law it was declared, that no servants of the Company were to be displaced without communicating to them the cause in writing, and without giving them an opportunity of being heard in their defence. This law had been directly violated. Even after the trials, the printing and publishing of them were refused, on the simple declaration that such a measure was not expedient. He deprecated the general inattention of the House and the country to subjects of this nature, and declared, that when he called to mind the various acts of tyranny and oppression of which the British had been guilty to the natives of India, he felt it his imperious duty to bring questions of this description under the consideration of parliament, as frequently as possible.

Sir *J. Anstruther* thought, that as this was only a motion for the production of papers, which there was no intention to refuse, it would have been better to have deferred all comment until the papers were actually on the table. If this was an important general principle, it was particularly important with respect to Indian affairs, because it was a long time before papers on Indian subjects could be produced, and therefore the impressions made in the speech of the mover of such papers, must remain for a long time without being wiped away. Such speeches also found their way to India, and naturally excited in that country great anxiety for many months before the ultimate decision of parliament could be known there. Still, however, when assertions were made on one side, it became necessary to balance the impression made by those assertions by opposite assertions on the other. He rose for the purpose of meeting by assertion, that which was only assertion. When the papers should be produced, he would take on himself to prove, not only that sir G. Barlow had shewn great talent, firmness, genius, and courage in the suppression of the mutiny, but that no part of his conduct during the whole of the military transactions in India could be fairly charged by any candid man as the cause of that mutiny. As to the civil transactions, it would turn out that sir G. Barlow had little to do with them. It would turn out that the conduct of the Chief Justice of Madras (consistently with his conduct while holding the same situation in Nova Scotia), was as honourable to himself as it was advantageous to the country. An hon. gent. had taken it for granted, that the Jurors on the trials alluded to had been punished for their verdict. This he positively contradicted. Not a single person who sat on those trials as a juror was ever punished by sir G. Barlow on that account. He hoped, however, it would not be contended, that because an individual had sat as a juror on those trials, that he was therefore to be indemnified from the consequences of any act which he might afterwards think proper to commit. Far from being punished, some of these jurors had been promoted. One of the most confidential servants of the government (the present Secretary), had been one of those jurors. He was willing to admit that sir G. Barlow had dismissed some of the officers in the Company's service without trial. In doing so, he had most wisely used the power entrusted to him; but if, in a military government, the individual at the head of that government were not allowed this summary authority, no army could possibly remain embodied for any length of time. What he had stated he desired distinctly to say were only assertions: but they were as good as the assertions on the other side: and on the production of the papers, he pledged himself to prove that they were facts.

Sir *Hugh Montgomery* believed that it was the course adopted by sir George Barlow which had produced the rebellion. When he first took upon himself the government, the army were perfectly obedient, and ready to wait with patience for the decision which should be taken upon their claims. When a spirit of discontent pervaded the army, he took no measures of conciliation. On the contrary, many officers were seized and made prisoners, at the point of the bayonet. Such conduct not only produced great irritation, but induced other officers to think of putting themselves on their defence. This was very wrong, and could not be justified; but still the officers had received great provocation. He considered that it was not any qualities of sir George Barlow which had put a stop to the mutiny, but that the principal cause was the expectation of lord Minto's arrival at Madras. The memorial of major Boles and colonel Capper had been treated with great contempt; and the governor had assumed a power which the Commander in Chief, in this country, had not, of dismissing officers at his pleasure.

Mr. *Astell* felt it to be his duty to defend the Court of Directors from the charges which had been preferred against them. An hon. bart. had accused the Directors of having expressed their determination not to hear general M'Dowall in his defence. So far, however, was this from the fact, that, instead of the Directors evincing any indisposition to hear gen. M'Dowall, the general had declared, that he would not reply to them. With respect to the Madras army, it was on record in Fort St. George, in 1807, that that army was in an unsettled state. An hon. baronet near him had imputed the suppression of the rebellion to the arrival of the governor-general at Madras. Not so. The rebellion terminated, because the officers of the Madras army found that the native officers were not inclined to support them, and because they experienced in sir G. Barlow, a firmness of determination which they had not anticipated.

Mr. *Howarth* lamented that the chairman of the Court of Directors should have charged men, who from north to south, from east to west, had traversed the peninsula of India, and by their bravery and perseverance, had established the interests of the East India Company, with being factions. Was the hon. gent. aware of the danger of his second observation? Could any man who knew any thing of India, be so mischievous as to say that the mutiny was quelled, not by the arrival of lord Minto at Madras, but by the European officers not having been able to prevail on the native officers to concur with them in their object? With respect to the civil transactions, it appeared on the face of the proceedings, that verdicts of juries had been set aside, and that jurors had been punished. These were circumstances which demanded the most serious investigation.

The motion was then agreed to, as were also a number of other motions made by Mr. Creevey for different official documents on the same subject.

[Privately Stealing Bill.] Sir *Samuel Romilly* rose to make his promised motion on this subject; a subject which, he observed, was by no means new to the House, as he should conclude by moving for leave to bring in a Bill precisely similar to that which he had introduced, and which passed that House last session. Adverting to the efforts which he had made to amend the penal law, he called the attention of the House to the good effects which had resulted from the repeal, in 1808, of the Act which made privately stealing from the person capital. Those good effects were, that a greater number of trials for that offence had taken place, and that of those tried, a much larger proportion had been convicted. A more decisive proof of the beneficial effect of the new law could not be required. Indeed, the anticipations in which he had indulged on the subject, had been verified. Many individuals, who, under the old system, would have experienced complete impunity for their petty crimes, had been stopped in the commencement of their career, and thus a great number of crimes of more magnitude had been happily prevented. He referred to the history of the three Bills which he had introduced into the House in the last session. The first, which repealed the Act that rendered it capital privately to steal to the value of five shillings in a shop, warehouse, &c. passed the House of Commons. The next, which went to repeal the Act that rendered it capital to steal to the value of forty shillings, in a dwelling-house, was lost by the small majority of two, in a very thin House. As to the third of those Bills, which related to stealing to the value of forty shillings on board vessels in navigable rivers, canals, &c. unavoidable circumstances prevented it from ever coming under discussion. He had maturely considered the subject since the last session, and he was more firmly convinced than ever of the solidity of the grounds on which he had proceeded, and of the great importance of the subject. Still more deeply was he impressed with a sense of the imperativeness of the duty which he conceived himself to be discharging. It was not from light motives that he presumed to recommend an alteration in a matter so important as the criminal law of the land. He had always thought that it was the duty of every man to use the means which he possessed, for the purpose of advancing the well being of his fellow-creatures, and he was not aware of any way in which he could himself advance that well being so effectually, as by adopting the course which he now pursued. Lord Coke used to say, "that he considered every man who was successful in his profession, as under an obligation to benefit society;" and the works which that great and learned man produced, after a life of labour, in the high situation in which he was placed, were his mode of paying the social debt. So for himself, his success and his good fortune in his profession, had laid him under a debt to the society amongst whom he lived; and the way in which he intended to discharge that obligation, was by endeavouring to meliorate the law, and thus to increase the security and happiness of his country. It was not a little that would discourage him. He was not to be discouraged by the consideration that he had hitherto spent a great deal of time on this subject without doing much good. He certainly would not persevere if the sense of the public were decidedly against him; but unless he was satisfied of the impropriety of the proceeding, he would persevere until his proposed measures were negatived by a much larger majority than that which had rejected his second Bill last session. By those who opposed that Bill, it was insinuated, that he had objects much more extensive than those which were immediately indicated. To this he could only reply, that he had no intention of proposing to the House any measure but those which he had already described; with the exception indeed of one, of inferior magnitude, proceeding on similar principles, and which he should perhaps submit to the House in a few days. But even were the suspicion that he had latent objects in view, well founded, ought that to militate against the adoption of measures in themselves beneficial? He conceived himself as the organ of a considerable portion of the community, asking the House to adopt measures which were recommended to them by the strongest motives of public advantage. Would it not be strange that because a person might afterwards make an unjust demand that he should be refused that which was just? Would it not be strange if a judge should withhold from a suitor his right, lest he should become litigious and acquire that to which he was not entitled? He would, however, detain the House no longer at present, but merely move, "That leave be given to bring in a Bill, to repeal so much of the Act of the 10th and 11th of William 3, as takes away the benefit of clergy from persons privately stealing in any shop, warehouse, coach-house, or stable, any goods, wares, or merchandizes of the value of five shillings, and for more effectually preventing the crimes of stealing privately in shops, warehouses, coach-houses, or stables."

The *Chancellor of the Exchequer* had certainly no intention to oppose the motion of his hon. and learned friend. He did justice to the motives by which he was actuated, and was convinced, however they might differ in the view they happened to take of the measure to be submitted to the House, that his hon. and learned friend was entitled to the most perfect credit for doing that which he felt to be an imperative duty. It however did not follow, that those who gave him credit for rectitude of intentions, must feel the necessity, and see the policy of bringing forward the measure his hon. and learned friend thought it would be expedient to adopt. Much as his motives were entitled to praise, he thought the hon. and learned gent. had given proofs of prejudice (a prejudice certainly very natural.) when speaking of the benefits derived from his bill. The increased number of prosecutions, which he thought went to establish the public utility of the measure adopted at his suggestion in 1808, he (the Chancellor of the Exchequer) thought far from being a decisive proof, that good had resulted from it; it was as equivocal a circumstance as could be stated to the House. The hon. and learned gent. had said, that he thought more prosecutions had been commenced, and that more witnesses had come forward, in consequence of the punishment being slighter than formerly, as many had escaped punishment through the reluctance of individuals to prosecute, when death must follow conviction. Now, it might be that more prosecutions were commenced than formerly against such offenders—not because prosecutors and witnesses came forward more willingly from the consideration he had stated, but because more offences were committed, and committed with greater hardihood, from a knowledge of the penalty incurred being less-severe. This might be the cause of the increase of prosecutions, while at the same time it rendered conviction more easy. He did not say it was so; he would not decide either one way or the other, but he contended that the hon. and learned gent. in taking this as a most decisive proof in favour of the efficacy of his measure, had shewn himself not wholly free from prejudice. With respect to the bills, he could have no objection to their being again brought in, and again entertained by the House; but in giving his assent to their being so brought in, it was his wish that he might not be prejudged as pledging himself to support them. As to what his hon. and learned friend had said of the objections which had been made to his measures, on the ground that he had something further in contemplation, he did not plead guilty to having made such an objection, nor did he think it reasonable. Perhaps those who supposed the existence in his hon. and learned friend of a disposition to introduce further measures of an extensive description, objected to the present measures, on the ground that the principle on which they proceeded might become injurious by extension. He thought it fair to consider the proposition on its own merits, and rather to oppose the principle when it should appear about to be carried too far, than to give opposition at present, because the principle might hereafter be pushed to objectionable extent. He concluded by expressing himself content that the Bills should be brought in, but repeating, that it was his wish that those who so gave their assent, should not be considered as pledging themselves to afford them their future support.

Sir *S. Romilly* thought his right hon. friend had forgot one of his reasons for thinking his bill had been of public utility. He had said first, that more had been brought to trial; and secondly, that more of those tried had been convicted. Now could there be any reason for imputing prejudice to him, when he spoke of his bill as having done good on the last-mentioned ground? Was it possible to account for the circumstance of 19 being acquitted and one found guilty out of 20 tried before the passing of the Bill, and 19 being convicted and one acquitted out of 20 tried after it had passed, but by supposing the prosecutors, witnesses, and jury to have done their duty in the one instance and not in the other, and that the change arose from the good effects of the law. On the first ground he also disclaimed prejudice; and contended, that the increase of prosecutors could not solely arise from the number of offences being greater than formerly.

The *Chancellor of the Exchequer* reminded his hon. and learned friend, that he had supposed the offences to be committed with a greater degree of hardihood and less dread of the consequences than before, and thence accounted for the facility of conviction.

Mr. *D. Giddy* stated the grounds on which he had thought it his duty to oppose the Bill of the hon. and learned gent. in the last session. Without being more deficient in humanity than others, he might feel it right to oppose the principle on which it was grounded, if it should appear about to be pushed too far. Whatever he might feel on this subject, he could not object to the Bill being brought in.

Mr. *Ponsonby* thought his hon. and learned friend had been misunderstood. He did not take credit to himself for more feeling and more humanity than were possessed by other gentlemen, but it having been argued that the principle on which his motion was grounded was more objectionable than the individual proposition submitted to the House, from the extent to which it might be carried, he had now stated it to be his intention to confine himself to the measures he had announced, and not to push the principle to a dangerous length.

The *Solicitor General* observed, that his hon. and learned friend had stated there had been a greater number of prosecutions since the passing of his bills than before, and thence inferred, that witnesses and prosecutors came forward more readily, from a knowledge that the offence of which individuals were accused, was not to be punished by death, and that hence much benefit was derived to the community. This circumstance, which had been so brought forward, he thought extremely equivocal. From a salutary measure he should have hoped that such offences would have less frequently occurred, but when it was found that they were more numerous than formerly, the trials at least (which was one proof of the number of offences committed), he should be inclined to draw an inference very different from that drawn by his hon. and learned friend, and fear that instead of good, the measure had been productive of evil. But then the hon. and learned gent. had said, how was his second assertion to be answered, that of those tried a greater number had been convicted? To this he would reply, that the taking away the distinction respecting privately stealing, and making the effect the same whether the theft came under that denomination or not, might give greater facility to conviction. It was difficult to get correct information on the subject, as to the causes which had led to the effect spoken of by the hon. and learned gentleman. It could only be procured from those who were most concerned in trying for that species of offence. Offenders of the description alluded to, pickpockets, &c. might well be supposed to be most numerous in London and its vicinity, and those before whom such cases were decided, most competent to decide on the question, whether or not that species of crime had been diminished. He was sorry to say that on inquiry, he found those who had most experience, were of opinion, that the number of such offences was not diminished, but was become more frequent than before from its being known they were no longer punished by death. This he had been told, and this he really believed was the state of the case, as he feared it would be found on inquiry by his hon. and learned friend.

Sir *S. Romilly*, in explanation, said, that in acting as he did, he considered himself strictly as doing his duty. He had no pretensions to more humanity than others; he had never proposed the measure merely on the ground of humanity; and he claimed no merit but that of doing his duty.

Leave was given to bring in the Bill.

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